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## First Judicial District of Pennsylvania

*51CR00048292007*

*John In*

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*Trial (Jury) Volume 1  
September 09, 2008*



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*First Judicial District of Pennsylvania  
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Page 1

Page 2

[1] IN THE COURT OF COMMON PLEAS  
 [2] FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
 [3] CRIMINAL TRIAL DIVISION  
 [4] ----  
 [5] COMMONWEALTH :  
 [6] :  
 [7] :  
 [8] VS. : CP-51-CR-0004821-2007  
 [9] :  
 [10] :  
 [11] JOHN IN :  
 [12] :  
 [13] Room 801, Criminal Justice Center  
 [14] Philadelphia, Pennsylvania  
 [15] ----  
 [16] TUESDAY, SEPTEMBER 9, 2008  
 [17] ----  
 [18] BEFORE: THE HONORABLE SANDY L.V. BYRD, J.  
 [19] ----  
 [20] JURY SELECTION  
 [21] ----  
 [22] APPEARANCES:  
 [23] LAUREN BARALDI, ESQUIRE  
 [24] Assistant District Attorney  
 [25] for the Commonwealth  
 [26] RICHARD GIULIANI, ESQUIRE  
 [27] Attorney for the Defendant

[1] COMMONWEALTH VS. JOHN IN  
 [2] (The Court was called to Order.)  
 [3] **THE COURT:** Commonwealth vs. John In.  
 [4] Richard Giuliani for John In, numbers 2, 3,  
 [5] 4. Defendant John In is here.  
 [6] The Commonwealth is represented by  
 [7] Ms. Baraldi. Three cases here are number 2,  
 [8] 3 and 4. Number 2 is CP-51-CR-0004768-2007,  
 [9] number 3 is CP-51-CR-0004821-2007, and number  
 [10] 4 is CP-51-CR-0004829-2007.  
 [11] **MS. BARALDI:** Yes.  
 [12] **THE COURT:** Let's have the defendant  
 [13] sworn.  
 [14] **THE COURT CRIER:** State your name, spell  
 [15] your last name for us.  
 [16] **THE DEFENDANT:** John In, I-N.  
 [17] ----  
 [18] . . . JOHN IN, having  
 [19] been duly sworn, was examined and testified  
 [20] as follows:  
 [21] ----  
 [22] **THE COURT:** You may be seated.  
 [23] Is the Commonwealth ready to proceed?  
 [24] **MS. BARALDI:** Yes, sir.  
 [25] **THE COURT:** Are these matters

Page 3

Page 4

[1] COMMONWEALTH VS. JOHN IN  
 [2] consolidated for trial?  
 [3] **MS. BARALDI:** No, sir. They are  
 [4] separate cases.  
 [5] **THE COURT:** What cases are you trying  
 [6] first?  
 [7] **MS. BARALDI:** Number 4 on your list ends  
 [8] with 4829.  
 [9] **THE COURT:** Ready, Mr. Giuliani?  
 [10] **MR. GIULIANI:** I am, Your Honor.  
 [11] **THE COURT:** We'll take up  
 [12] CP-51-CR-004829-2007 and mark the other cases  
 [13] defendant on trial, time ruled excludable.  
 [14] How does your client wish to be tried,  
 [15] sir?  
 [16] **MR. GIULIANI:** Jury, Your Honor.  
 [17] **THE COURT:** How long will this case take  
 [18] to try, counsel?  
 [19] **MS. BARALDI:** Your Honor, I believe we  
 [20] would be finished by Friday.  
 [21] **THE COURT:** How many days of testimony  
 [22] does the Commonwealth have?  
 [23] **MS. BARALDI:** I would say at the most  
 [24] two-and-a-half full days.  
 [25] **THE COURT:** Sorry.

[1] COMMONWEALTH VS. JOHN IN  
 [2] **MS. BARALDI:** At the most two-and-a-half  
 [3] full days.  
 [4] **THE COURT:** How many days of testimony  
 [5] does the defense have?  
 [6] **MR. GIULIANI:** I would anticipate there  
 [7] will not be any defense evidence.  
 [8] **THE COURT:** Set aside three days of  
 [9] testimony, select the jury today. We can  
 [10] start the testimony tomorrow morning.  
 [11] **MR. GIULIANI:** Yes, sir.  
 [12] **THE COURT:** Are there any pretrial  
 [13] motions, Mr. Giuliani?  
 [14] **MR. GIULIANI:** There are none, Your  
 [15] Honor.  
 [16] **THE COURT:** What counts are the  
 [17] Commonwealth moving on? Say the count  
 [18] number, offense and grading, please.  
 [19] **MS. BARALDI:** I apologize, Your Honor.  
 [20] If I could just grab my file.  
 [21] (Brief pause.)  
 [22] **MS. BARALDI:** Your Honor, it would be  
 [23] count 2, possession of instrument of crime in  
 [24] the first degree; count 3, carrying a firearm  
 [25] on a public street in Philadelphia, felony in

[1] COMMONWEALTH VS. JOHN IN  
 [2] the first degree.  
 [3] **THE COURT:** Wait a second, 6108.  
 [4] **MS. BARALDI:** Yes. Count 4, 6105; Count  
 [5] 7, 6106; count 9, burglary, felony in the  
 [6] first degree; count 11, robbery, felony in  
 [7] the first degree; count 20, robbery, felony  
 [8] in the first degree; and count 26, robbery,  
 [9] felony in the first degree; count 29,  
 [10] criminal conspiracy, felony in the first  
 [11] degree.

[12] **THE COURT:** How many complainants are  
 [13] there in the case?

[14] **MS. BARALDI:** Three, sir.

[15] **THE COURT:** Do you have a witness list  
 [16] and statement of allegations?

[17] **MS. BARALDI:** Yes. I do not have a  
 [18] statement of allegations, just have typed  
 [19] allegations.

[20] **THE COURT:** Will you draft a statement  
 [21] of allegation so I can inform the prospective  
 [22] jurors what the case is alleging, tell me if  
 [23] they know any of the people. Give me some  
 [24] idea where they live, hundred block. Or if  
 [25] you don't want to do that, what section of

[1] COMMONWEALTH VS. JOHN IN  
 [2] the city, just after the name.  
 [3] **MS. BARALDI:** Yes, Your Honor.  
 [4] **THE COURT:** Do you have any witnesses,  
 [5] Mr. Giuliani?  
 [6] **MR. GIULIANI:** No, Your Honor.  
 [7] **THE COURT:** Mr. Giuliani, Count No. 4,  
 [8] former convict not to carry a firearm. Want  
 [9] to proceed on that case in your  
 [10] case-in-chief?

[11] **MR. GIULIANI:** Yes, Your Honor.

[12] **THE COURT:** You do?

[13] **MR. GIULIANI:** Do you want me to? Do I  
 [14] want you to hear --

[15] **THE COURT:** Want to sever?

[16] **MR. GIULIANI:** Yes.

[17] **THE COURT:** We'll sever out 6105. If  
 [18] the two of you would write your full names on  
 [19] a pad so that I can get the spelling correct.

[20] Anything else before we commence jury  
 [21] selection?

[22] **MR. GIULIANI:** No, Your Honor.

[23] **MS. BARALDI:** No, Your Honor.

[24] (Pause.)

[25] **THE COURT:** John In is with us, as is

[1] COMMONWEALTH VS. JOHN IN  
 [2] his attorney and the Assistant District  
 [3] Attorney. I have been advised that we have a  
 [4] jury panel available. Shall we commence jury  
 [5] selection?

[6] **MR. GIULIANI:** Yes.

[7] **THE COURT:** We expect to select a jury  
 [8] today and take testimony Wednesday, Thursday  
 [9] and Friday so the case will undoubtedly go  
 [10] into Monday of next week.

[11] **MS. BARALDI:** Yes. We'll tell the panel  
 [12] we expect the case to go into Monday,  
 [13] possibly Tuesday.

[14] **MR. GIULIANI:** At the latest, possibly;  
 [15] include Friday.

[16] **THE COURT:** Before we commence, have  
 [17] seven peremptory challenges. I don't know if  
 [18] either of you selected a jury with me, but I  
 [19] will address the panel.

[20] If you have any questions you wish to  
 [21] ask the panel as a whole, please bring them  
 [22] out. I will consider them. Thereafter, we  
 [23] will have individual voir dire. I'll bring  
 [24] the prospective jurors one at a time.

[25] I'll ask questions. When I finish my

[1] COMMONWEALTH VS. JOHN IN  
 [2] questions, the prospective jurors will be  
 [3] asked to exit and immediately after he or she  
 [4] leaves the room, if you have a challenge for  
 [5] cause, raise it at that time. If you have  
 [6] additional follow-up questions, I will decide  
 [7] whether it's appropriate.

[8] (The prospective jurors entered the  
 [9] courtroom.)

[10] **THE COURT:** Good morning.

[11] **PROSPECTIVE JURORS:** Good morning.

[12] **THE COURT:** Would you please swear in  
 [13] the panel.

[14] **THE COURT CRIER:** Would the panel please  
 [15] rise.

[16] (The prospective jury panel was duly  
 [17] sworn.)

[18] **THE COURT CRIER:** You may be seated.

[19] **THE COURT:** Ladies and gentlemen,  
 [20] welcome to Courtroom 801. I'm Judge Byrd.  
 [21] You've been summoned here this morning to  
 [22] participate as jurors in the trial of a  
 [23] criminal case.

[24] This is the case of the Commonwealth of  
 [25] Pennsylvania vs. John In. Now I will tell

[1] COMMONWEALTH VS. JOHN IN  
 [2] you more about this case in short order, but  
 [3] there are certain things I must first discuss  
 [4] with you.

[5] Let's start with something that you  
 [6] already know, that is, jury service is one of  
 [7] the most important responsibilities of  
 [8] citizenship. It has been described by legal  
 [9] commentators as second only to service in the  
 [10] military in terms of its importance to the  
 [11] preservation of our democracy. So ladies and  
 [12] gentlemen, for that reason no one can be  
 [13] excused from jury service except for the most  
 [14] serious, most compelling of reasons.

[15] Those of you selected to serve on this  
 [16] jury will be fact finders. It is the  
 [17] responsibility of a juror to decide in a  
 [18] criminal case what the facts are so you will  
 [19] be asked to present yourself here with an  
 [20] open mind, listen to the evidence, and from  
 [21] that evidence, collectively, that is, the  
 [22] jury of twelve determine what the facts are.

[23] You must then, on your oath, accept the  
 [24] law from me, apply that law to the facts as  
 [25] you determine the facts to be, and thereafter

[1] COMMONWEALTH VS. JOHN IN  
 [2] to render a fair and impartial verdict  
 [3] consistent with the evidence in the law.

[4] Now there are, ladies and gentlemen,  
 [5] certain constitutional principles that  
 [6] undergird our system of criminal law. The  
 [7] principles I'm about to discuss with you are  
 [8] in effect in this Commonwealth, in our sister  
 [9] jurisdiction and in the federal system.  
 [10] Every trial, every criminal case in these  
 [11] United States has proceeded with these  
 [12] principles undergirding the trial.

[13] In the case of a criminal trial, a  
 [14] defendant is presumed to be innocent and that  
 [15] presumption remains with the defendant unless  
 [16] and until the Commonwealth proves his guilt  
 [17] beyond a reasonable doubt. So a defendant  
 [18] merely because he has been arrested does not  
 [19] lose his presumption of innocence.

[20] An arrest is not evidence of guilt. The  
 [21] evidence in a criminal case unfolds in the  
 [22] courtroom for the edification of the jury.  
 [23] Because the defendant is presumed to be  
 [24] innocent, the Constitution affords every  
 [25] defendant a right of silence at trial.

[1] COMMONWEALTH VS. JOHN IN  
 [2] A defendant has no obligation to testify  
 [3] or call witnesses, and if a defendant elects  
 [4] to exercise his constitutional right of  
 [5] silence, you may draw no inference of guilt,  
 [6] no adverse inference from the decision to  
 [7] exercise a constitutional right. Your task  
 [8] would be to determine from the evidence you  
 [9] heard whether or not the Commonwealth proved  
 [10] guilt beyond a reasonable doubt.

[11] Now, I will be asking some questions of  
 [12] you during the course of this procedure. I  
 [13] want you to know that I'm well aware that all  
 [14] of you have been here since at least 8:15,  
 [15] that you filled out a questionnaire.

[16] I have that questionnaire so I do not  
 [17] intend to ask again the questions you also  
 [18] answered. It will be necessary, however, for  
 [19] me to ask some additional questions. If I  
 [20] ask a question that applies to you and you  
 [21] are not certain whether it applies to you,  
 [22] bring that to our attention by raising your  
 [23] hand.

[24] You've been given a number so if you are  
 [25] responding to a question I've asked, raise

[1] COMMONWEALTH VS. JOHN IN  
 [2] your hand. Make sure that you have, in your  
 [3] hand, that card. Keep your hand raised until  
 [4] you hear that number called out. Then you  
 [5] may lower your card again.

[6] Please, ladies and gentlemen, don't  
 [7] blurt out any answers. I will be speaking to  
 [8] each of you individually and you can, at that  
 [9] time, bring to my attention whatever it is  
 [10] you wish to have me know.

[11] I want to express to all of you how  
 [12] important it is to answer questions with  
 [13] honesty and candor without making an effort  
 [14] to get out of jury service and without making  
 [15] a special effort to get onto the jury. If  
 [16] you continue to answer questions with candor,  
 [17] we will, from your midst, impanel twelve  
 [18] jurors and two alternates to hear this case.

[19] The cases, as I said, is the case of the  
 [20] Commonwealth of Pennsylvania vs. John In. As  
 [21] you can see, both sides have counsel. The  
 [22] Commonwealth is represented and the defendant  
 [23] is represented in this case.

[24] The defendant has been charged with the  
 [25] **following offenses:** robbery, three counts;

[1] COMMONWEALTH VS. JOHN IN  
 [2] burglary, criminal conspiracy, possessing an  
 [3] instrument of crime, and violation of  
 [4] Sections 6106 and 6108 of the Uniform  
 [5] Firearms Act.

[6] These charges were lodged against the  
 [7] defendant as a result of the following

[8] **allegation:** The Commonwealth alleges that on  
 [9] or about March 7th, year 2007, at or about  
 [10] 5:15 a.m. the defendant John In and two other  
 [11] men, Jerry Jean and Deshawn Marrible, entered  
 [12] the residence of Vatari Yun, Y-U-N, at 720  
 [13] Mifflin Street here in Philadelphia, entered  
 [14] the premises without his permission, without  
 [15] the permission of the occupant, and therein  
 [16] robbed three persons, the mentioned Vatari  
 [17] Yun, Dena Khem, and Christina Khem.

[18] My first question to you, ladies and  
 [19] gentlemen, is do any of you know or think you  
 [20] know something or anything at all about the  
 [21] allegations that gave rise to the charge  
 [22] against the defendant? If so, please raise  
 [23] your hand.

[24] **THE COURT CRIER:** No response, Your  
 [25] Honor.

[1] COMMONWEALTH VS. JOHN IN  
 [2] **THE COURT:** Now, ladies and gentlemen, I  
 [3] commenced by telling you that jurors are the  
 [4] fact finders in a criminal case. And those  
 [5] of you selected to serve on this jury will  
 [6] be, as I pointed out, passing up on the  
 [7] credibility, that is, the believability, the  
 [8] accuracy of the testimony, and any other  
 [9] evidence in the case.

[10] To that end, I must bring to your  
 [11] attention two questions that are in the  
 [12] questionnaire and address them before we go  
 [13] forward. One of the questions asked, "Will  
 [14] you be more likely to believe the testimony  
 [15] of a police officer or other law enforcement  
 [16] agent simply because of his or her job?"

[17] The other asks, "Would you be less  
 [18] likely to believe the testimony of a police  
 [19] officer or other law enforcement agent simply  
 [20] because of his or her job?"

[21] As you, ladies and gentlemen, sit in the  
 [22] courtroom today, it is clear that the answer  
 [23] is obvious. A police officer's testimony is  
 [24] entitled to no greater weight or lesser  
 [25] weight than any other witness. Those of you

[1] COMMONWEALTH VS. JOHN IN  
 [2] selected to serve on this jury will be, and  
 [3] bears repeating, fact finders so you will  
 [4] evaluate the testimony of each witness and  
 [5] you will use the same standard for each  
 [6] witness who appears before you.

[7] You may not evaluate one class of  
 [8] witnesses using one standard and another  
 [9] class of witnesses using a different  
 [10] standard. Everyone who comes before you must  
 [11] have his or her testimony evaluated using the  
 [12] very same standard.

[13] You cannot remove the burden of deciding  
 [14] the facts in this case by saying, oh that was  
 [15] a police officer testifying. I would never  
 [16] believe a police officer's testimony or that  
 [17] was a police officer testifying, I would  
 [18] always believe a police officer's testimony.

[19] When you evaluate the testimony of a  
 [20] witness, you will evaluate a police officer's  
 [21] testimony in the same manner you would that  
 [22] of a truck driver or astronaut or engineer or  
 [23] insurance salesman. No one comes before you  
 [24] with a ticket entitling him or her to be  
 [25] believed or disbelieved for that matter.

[1] COMMONWEALTH VS. JOHN IN

[2] All of you know that in the trial of a  
 [3] criminal case, witnesses will be called. And  
 [4] before I read to you a list of potential  
 [5] witnesses in this case, let me introduce the  
 [6] principals in the trial to each of you.

[7] I will introduce the Assistant District  
 [8] Attorney, the defense attorney, and the  
 [9] defendant in turn and ask each to stand and  
 [10] position himself or herself so that you see  
 [11] them because I'll ask if you know any of  
 [12] these people.

[13] Now, in this case, the Commonwealth of  
 [14] Pennsylvania vs. John In, the Commonwealth is  
 [15] represented by a member of the District  
 [16] Attorney's Office. Her name is Lauren  
 [17] Baraldi, Esquire. Would you stand, ma'am,  
 [18] and remain standing.

[19] The defendant in this case is  
 [20] represented by a member of the defense bar.  
 [21] His name is Richard Giuliani, Esquire. He is  
 [22] representing the defendant, John In. Would  
 [23] you stand next to your attorney.

[24] The next question I have is, Do any of  
 [25] you know or have you had any association with

[1] COMMONWEALTH VS. JOHN IN  
 [2] or are you related by blood or marriage to  
 [3] either the Defendant John In?

[4] **PROSPECTIVE JUROR 17:** I'm bond. I'm  
 [5] not blood, sir. The question I'm asking the  
 [6] Judge --

[7] **THE COURT:** Would you step outside, sir.

[8] **PROSPECTIVE JUROR NO. 17:** I'm not his  
 [9] blood brother, but I'm bond. I'm going out.  
 [10] He's my brother by bond. I don't know you  
 [11] too. Bond.

[12] **THE COURT:** Prospective Juror No. 17,  
 [13] you will disregard his comments. You will  
 [14] disregard entirely the remarks he made. They  
 [15] have no relevance to this serious business  
 [16] before you and this Court.

[17] Now, before I was interrupted, I had  
 [18] this question for all of you. Do any of you  
 [19] know or have you had any association with or  
 [20] are you related by blood or marriage to  
 [21] either the defendant John In, his attorney  
 [22] Richard Giuliani, the Assistant District  
 [23] Attorney Lauren Baraldi, or me. I'm Judge  
 [24] Byrd. If so, please raise your hand.

[25] **THE COURT CRIER:** No response.

[1] COMMONWEALTH VS. JOHN IN

[2] **THE COURT:** You may all be seated.

[3] Ladies and gentlemen, look around the  
 [4] courtroom. You see that we have a full  
 [5] staff. We have a court crier and a court  
 [6] officer whom you already met, a court  
 [7] reporter who is taking down a transcript of  
 [8] these proceedings; a court clerk, who is  
 [9] keeping a record; a deputy sheriff.

[10] My question is the same as before. Do  
 [11] any of you know or have you had any  
 [12] association with or are you related by blood  
 [13] or marriage to any of the persons who make up  
 [14] the court staff? If so, please raise your  
 [15] hand.

[16] **THE COURT CRIER:** No response, Your  
 [17] Honor.

[18] **THE COURT:** I advise you, ladies and  
 [19] gentlemen, that in this trial criminal case  
 [20] witnesses are called and I will be reading to  
 [21] you from a list of potential witnesses. I  
 [22] use that phrase "potential witness"  
 [23] advisedly. Although some of these  
 [24] individuals will undoubtedly testify in this  
 [25] case, others will simply be mentioned, which

[1] COMMONWEALTH VS. JOHN IN  
 [2] these testifying and still others may be in  
 [3] and out about the courtroom during the course  
 [4] of the trial.

[5] Listen carefully to the names from this  
 [6] list. Let us know if you know any of these  
 [7] persons by raising your hand.

[8] The witness list includes the mentioned  
 [9] residence of the address, then known as 720  
 [10] Mifflin Street; Vatari Yun, Y-U-N; Christina  
 [11] Khem, K-H-E-M; Dena Khem, K-H-E-M; Angela  
 [12] Khem, K-H-E-M; Keith K-H-E-M, all from South  
 [13] Philadelphia; one Deshawn Marable from the  
 [14] 1700 block of North Underwood Street;  
 [15] Jacqueline Jean and one Jerry Jean from the  
 [16] 300 block of Clarkson Avenue.

[17] In addition, the following police  
 [18] officers, Police Officer Thomas Nolan from  
 [19] the 4th Police District; Police Officer Kevin  
 [20] Cannon from the 4th Police District; Police  
 [21] Officer Raphael McGough, Fourth Police  
 [22] District, probably mispronounced that,  
 [23] spelled M-C-G-O-U-G-H, Police Officer Peter  
 [24] Seabron from the 3rd Police District; Police  
 [25] Officer Roger Birch from the 3rd Police

[1] COMMONWEALTH VS. JOHN IN

[2] District, Police Officer Carol Jenkins from  
 [3] the 4th Police District, Police Officer Kevin  
 [4] Baldwin from the 4th Police District, Police  
 [5] Officer Felicia Battle; from the 4th Police  
 [6] District, Police Officer Robert Robinson from  
 [7] the 4th Police District; Sergeant Steven  
 [8] Woods from the 4th Police District; Sergeant  
 [9] Steven Spansky from the 25th Police District,  
 [10] and one additional officer from the 4th  
 [11] Police District, Police Officer Thomas Foley  
 [12] and Police Lieutenant Michael Deal from the  
 [13] 17th Police District.

[14] The following officers from the crime  
 [15] scene unit, Police Officer Avon Wilson and  
 [16] Police Officer Simon Rory; Sergeant Wilfredo  
 [17] Aponte. From the Firearms Identification  
 [18] Unit, Police Officer Leonard Johnson; two  
 [19] lieutenants, both from the Internal Affairs  
 [20] Unit, Lieutenant Steven Nolan and Police  
 [21] Officer John Pendergast, P-E-N-D-E-R-G-A-S-T;  
 [22] the following, Detective Robert Conn from the  
 [23] Northeast Detectives Division, and Detective  
 [24] John Hopkins from South Detectives Division;  
 [25] one civilian employee of the police

[1] COMMONWEALTH VS. JOHN IN  
 [2] department in the DNA laboratory, Benjamin  
 [3] Levlavin, L-E-V-L-A-V-I-N.

[4] Do any of you have any association with  
 [5] or related by blood or marriage to any of the  
 [6] witnesses from the list of potential  
 [7] witnesses? If so, please raise your hand.

[8] **THE COURT CRIER:** No response, Your  
 [9] Honor.

[10] **THE COURT:** Ladies and gentlemen, I  
 [11] discussed with you those constitutional  
 [12] principles which undergird our system of  
 [13] criminal law. Nevertheless, let me ask you  
 [14] the following questions. Does anyone here  
 [15] have a fixed opinion about the guilt or  
 [16] innocence of this defendant to any of the  
 [17] charges lodged against him? If so, please  
 [18] raise your hand.

[19] **THE COURT CRIER:** No response, Your  
 [20] Honor.

[21] **THE COURT:** Do any of you know of any  
 [22] reason why, if you were selected to serve on  
 [23] this jury, you would not be able to give both  
 [24] sides, the defendant and the Commonwealth, a  
 [25] fair and impartial trial? If so, please

[1] COMMONWEALTH VS. JOHN IN  
 [2] I can tell you that this is not a death  
 [3] penalty case nor will the jury be  
 [4] sequestered. You will discover we work  
 [5] business hours here much like you work in  
 [6] your everyday business of employment. It is  
 [7] our intention to go get underway each morning  
 [8] at 9:30, work each morning taking breaks as  
 [9] you members of the jury require breaks.

[10] We have an hour for lunch. We come back  
 [11] in the afternoon. We work until 4:30. The  
 [12] hours are not onerous. If it appears we're  
 [13] falling behind we will make every effort to  
 [14] start at 9:00 to go into 5 p.m. Bearing in  
 [15] mind everything I just said, is there anyone  
 [16] for whom service would be a real true serious  
 [17] hardship? Not an inconvenience but a  
 [18] hardship. If you have a hardship, raise your  
 [19] hand.

[20] **THE COURT CRIER:** Your Honor, number 2,  
 [21] 7, 3, 18, 14, 21, 24, 26, 27, 30, 32, 34, 40,  
 [22] 41, 42, 43, 44, 45.

[23] **THE COURT:** Mr. Giuliani, Ms. Baraldi,  
 [24] did either of you have any additional  
 [25] questions you wish me to put to the panel as

[1] COMMONWEALTH VS. JOHN IN

[2] raise your hand.

[3] **THE COURT CRIER:** No response, Your  
 [4] Honor.

[5] **THE COURT:** Now ladies and gentlemen, we  
 [6] expect to select our jury today and we will  
 [7] commence testimony in the case tomorrow. We  
 [8] expect that the testimony will last  
 [9] approximately three days. We will take  
 [10] testimony Wednesday, Thursday and perhaps  
 [11] into Friday.

[12] Thereafter, we will hear the attorneys  
 [13] make their closing arguments and the case  
 [14] will be submitted to the jury for  
 [15] deliberations and a verdict. The case will  
 [16] undoubtedly go through and into Friday and  
 [17] perhaps Monday of next week.

[18] That's our best estimate based on our  
 [19] collective experience with matters of this  
 [20] sort. We sometimes overestimate the length  
 [21] of time a case will take to try. We  
 [22] sometimes underestimate the length of time a  
 [23] case will take to try. This is our best  
 [24] estimate and we believe we got it just about  
 [25] right.

[1] COMMONWEALTH VS. JOHN IN  
 [2] a whole?

[3] **MR. GIULIANI:** No, Your Honor.

[4] **MS. BARALDI:** No, Your Honor.

[5] **THE COURT:** Thank you. If you ladies  
 [6] and gentlemen will be so kind to follow  
 [7] Mr. Dafino's instructions, we will be with  
 [8] you.

[9] (Pause.)

[10] **THE COURT CRIER:** State your name for  
 [11] us.

[12] **PROSPECTIVE JUROR:** Gail Andrews.

[13] ---

[14] . . . GAIL ANDREWS, having  
 [15] been duly sworn, was examined and testified  
 [16] as follows:

[17] ---

[18] **BY THE COURT:**

[19] **Q.** Ms. Andrews, you checked off that there is a  
 [20] reason or reasons you would not be fair in a criminal  
 [21] case.

[22] **A.** Yes.

[23] **Q.** What is your reason?

[24] **A.** Back in '88 my nephew was murdered.

[25] **Q.** And you think that would affect your ability

[1] COMMONWEALTH VS. JOHN IN

[2] to believe a fair juror in this case?

[3] A. Yes.

**THE COURT:** Do either of you wish to

[5] follow up?

**MS. BARALDI:** No, sir.

**MR. GIULIANI:** No, Your Honor.

[8] **THE COURT:** Wait on the other side of  
[9] the door. We'll be right with you.

[10] (The prospective juror departed the  
[11] courtroom.)

**MS. BARALDI:** Your Honor, Commonwealth  
[13] has a motion to strike this juror for cause.

**THE COURT:** Motion for cause granted.

[15] Next.

**THE COURT CRIER:** State your name for  
[17] us.

**PROSPECTIVE JUROR:** Robert Starsinic.

---

[20] ... ROBERT STARSINIC, having  
[21] been duly sworn, was examined and testified  
[22] as follows:

---

**BY THE COURT:**

[25] Q. Tell us what you do for a living please.

[1] COMMONWEALTH VS. JOHN IN

[2] would you hold it against him?

[3] A. I probably would.

[4] Q. You probably would not?

[5] A. Would.

[6] Q. You probably would.

**THE COURT:** You wish to follow up?

**MS. BARALDI:** No, Your Honor.

**MR. GIULIANI:** No, Your Honor.

[10] **THE COURT:** Wait on the other side of  
[11] that door, sir. We'll be right with you.

[12] (The prospective juror departed the  
[13] courtroom.)

[14] **THE COURT:** Half the panel raised their  
[15] hand for hardship.

**MR. GIULIANI:** Motion for cause.

**THE COURT:** Defense cause granted.

[18] **THE COURT CRIER:** Number 3, state your  
[19] name for us.

**PROSPECTIVE JUROR:** Barbara Carr.

---

[22] ... BARBARA CARR, having  
[23] been duly sworn, was examined and testified  
[24] as follows:

---

[1] COMMONWEALTH VS. JOHN IN

[2] A. I'm an automotive technician.

[3] Q. You've been in that line of work now for how  
[4] long?

[5] A. My eighth year.

[6] Q. Would you have any problem following my  
[7] instructions in this case that the defendant is  
[8] presumed innocent until proven guilty beyond a  
[9] reasonable doubt?

[10] A. No.

[11] Q. You check "yes" on the form. Why was that?

[12] A. Sorry.

[13] Q. You checked yes on the form. Why was that?

[14] A. I -- maybe by accident.

[15] Q. Accident?

[16] A. Yes.

[17] Q. Would you have any problem accepting my  
[18] instructions that a defendant in a criminal case has  
[19] the right of silence and if he elects to exercise that  
[20] right it cannot be held against him? You can draw no  
[21] adverse inference from his decision to exercise a  
[22] constitutional right?

[23] A. I feel that if someone is being charged,  
[24] they should speak up for themselves.

[25] Q. And if they invoke their right of silence,

[1] COMMONWEALTH VS. JOHN IN

[2] A. Tend to get drowsy a little bit.

[3] **THE COURT:** Would you wait for us on the  
[4] other side of that door, ma'am. We'll be  
[5] right with you.

[6] (The prospective juror departed the  
[7] courtroom.)

[8] **MS. BARALDI:** Commonwealth has a motion  
[9] for cause.

[10] **THE COURT:** Cause granted.

[11] May I see the two of you for one quick  
[12] second.

[13] (Sidebar discussion off the record.)

[14] **THE COURT CRIER:** Sir, could you state  
[15] your name for us.

[16] **PROSPECTIVE JUROR:** Jamal Jackson.

[17] ---

[18] . . . JAMAL JACKSON, having  
[19] been duly sworn, was examined and testified

[20] **as follows:**

[21] ---

[22] **BY THE COURT:**

[23] Q. Mr. Jackson, how old are you, sir?

[24] A. Twenty-eight.

[25] Q. Tell us what you do for a living.

[1] COMMONWEALTH VS. JOHN IN

[2] A. Work at a rental center.

[3] Q. What kind of work you do?

[4] A. Retail.

[5] Q. How long have you been in that line of work?

[6] A. Seven months.

[7] Q. What kind of work did you do before that?

[8] A. I was in school.

[9] Q. You were where?

[10] A. In school.

[11] Q. What were you studying?

[12] A. Computer science.

[13] Q. Have you ever served on a jury before?

[14] A. Yes.

[15] Q. How long ago?

[16] A. Maybe about three years ago.

[17] Q. Civil or criminal case?

[18] A. It was criminal.

[19] Q. You or someone close to you were a victim of  
[20] a crime?

[21] A. No.

[22] Q. You checked "yes" on the form. Have you or  
[23] anyone close to you ever been the victim of a crime?

[24] A. Yes.

[25] Q. What relationship was that person or those

[1] COMMONWEALTH VS. JOHN IN

[2] persons to you?

[3] A. It was me.

[4] Q. What happened to you?

[5] A. I was robbed.

[6] Q. How long ago was that?

[7] A. About three years ago.

[8] Q. Was it strong-arm gunpoint?

[9] A. Gunpoint.

[10] Q. Did you report it?

[11] A. Yes.

[12] Q. Was anyone arrested?

[13] A. No.

[14] Q. Is there anything about that incident which

[15] would affect your ability to be a fair juror in this  
[16] case?

[17] A. No.

[18] Q. If you are selected to serve on this jury,  
[19] would you give both sides, the defendant and the  
[20] Commonwealth, a fair trial?

[21] A. Yes.

[22] **THE COURT:** Wait for us on the other  
[23] side of that door, sir. We'll be right with  
[24] you.

[25] (The prospective juror departed the

[1] COMMONWEALTH VS. JOHN IN

[2] courtroom.)

[3] (Sidebar discussion off the record.)

[4] **MR. GIULIANI:** The answer to number 16,  
[5] number 16 the final question on --

[6] **THE COURT:** Says "no."

[7] **MR. GIULIANI:** Thank you.

[8] **THE COURT CRIER:** State your name for  
[9] us.

[10] **PROSPECTIVE JUROR:** Judy DeLeo.

[11] ---

[12] . . . JUDY DELEO, having

[13] been duly sworn, was examined and testified

[14] **as follows:**

[15] ---

[16] **BY THE COURT:**

[17] Q. Ma'am, I see here that you are semi-retired;  
[18] is that correct?

[19] A. I work four days a week -- Monday, Thursday,  
[20] Friday, Saturday.

[21] Q. What kind of work do you do?

[22] A. Iam Institute. I do skin care.

[23] Q. You've been in that line of work for how  
[24] long?

[25] A. Almost five years.

[1] COMMONWEALTH VS. JOHN IN  
 [2] **Q.** Do you have any religious or ethical beliefs  
 [3] that would prevent you from sitting in judgment in this  
 [4] case and rendering a fair verdict?  
 [5] **A.** I don't think so.  
 [6] **Q.** When you say you don't think so, is that a  
 [7] figure of speech or do you have some doubt about your  
 [8] ability to be fair?  
 [9] **A.** No. You stated that there is no death  
 [10] penalty. That's my only real -- other than that, no.  
 [11] **Q.** A defendant in a criminal case has the  
 [12] constitutional right of silence at trial. Would you be  
 [13] able to accept my instructions that your task, if the  
 [14] defendant is elected to invoke his right of silence, is  
 [15] to determine from the evidence you heard whether or not  
 [16] the Commonwealth met its burden and not hold it against  
 [17] the defendant?  
 [18] **A.** I would try my hardest. It would be okay.  
 [19] I'm not hedging. I just feel that people who can't  
 [20] speak have something to hide. I don't know that that  
 [21] would necessarily change. I've never had to really  
 [22] come across that, so I can't honestly answer you yes or  
 [23] no on that, sir.  
 [24] **THE COURT:** If you wait on the side of  
 [25] the door, we'll be right with you.

[1] COMMONWEALTH VS. JOHN IN  
 [2] **A.** Civil.  
 [3] **Q.** You or someone close to you was a victim of  
 [4] a crime?  
 [5] **A.** Yes.  
 [6] **Q.** What's the relationship with that person or  
 [7] those persons to you?  
 [8] **A.** My mother.  
 [9] **Q.** What happened to your mother?  
 [10] **A.** Homicide case.  
 [11] **Q.** Sorry to hear that. Was anyone arrested?  
 [12] **A.** No.  
 [13] **Q.** If you were selected to serve on the jury,  
 [14] would you give both sides, the defendant and the  
 [15] Commonwealth, a fair trial?  
 [16] **A.** Of course.  
 [17] **THE COURT:** Would you wait for us on  
 [18] outside of the exit door, ma'am. We'll be  
 [19] right with you.  
 [20] (The prospective juror departed the  
 [21] courtroom.)  
 [22] **THE COURT:** That's Juror No. 2.  
 [23] **THE COURT CRIER:** State your name for  
 [24] us.  
 [25] - - -

[1] COMMONWEALTH VS. JOHN IN  
 [2] - - -  
 [3] BEVERLY MILES, having  
 [4] been duly sworn, was examined and testified  
 [5] - - -  
 [6] EXAMINATION  
 [7] - - -  
 [8] **BY THE COURT:**  
 [9] **Q.** Ms. Miles, I see here that you are retired.  
 [10] **A.** Yes.  
 [11] **Q.** How long have you been retired, ma'am?  
 [12] **A.** Seven years.  
 [13] **Q.** Tell us what you did before retirement?  
 [14] **A.** I was a patient care assistant at Temple  
 [15] Hospital.  
 [16] **Q.** You were in that job for how long?  
 [17] **A.** Thirty-one years.  
 [18] **Q.** You or someone close to you was arrested and  
 [19] charged with a crime.  
 [20] **A.** My son was arrested, but he was never  
 [21] charged.  
 [22] **Q.** What was he arrested for?  
 [23] **A.** He was with someone that robbed a person.  
 [24] **Q.** Do you have an opinion as to whether he was  
 [25] treated fair or unfair?

[1] COMMONWEALTH VS. JOHN IN

[2] A. I think he was treated fair because they  
[3] asked him to testify. They didn't convict him.

[4] Q. Did he go to trial?

[5] A. No.

[6] Q. Is there anything about that incident which  
[7] would affect your ability to be a fair juror in this  
[8] case?

[9] A. No, it's not that. I'm going through some  
[10] personal things, not feeling good. Kind of like  
[11] winding down, having problems here, and my eyes are  
[12] bothering me. Really just don't feel good. That was  
[13] the purpose of my saying hardship.

[14] Not -- I'm just not really feeling good. I  
[15] do take medication. I have a bad stomach sometimes.  
[16] If I'm sitting all day long, start getting sleepy, then  
[17] I have to go to the bathroom. Right at this moment, my  
[18] mind is not really, I really don't feel like doing it.

[19] THE COURT: Would you be so kind to give  
[20] us a moment. Wait on the other side of that  
[21] exit door to your right. Be right with you.

[22] (The prospective juror departed the  
[23] courtroom.)

[24] THE COURT: Any objection to her  
[25] hardship?

[1] COMMONWEALTH VS. JOHN IN  
[2] thoughts on it and it changed my thoughts around of  
[3] hearing both sides of the case because --

[4] Q. First question says, "Would you be more  
[5] likely to believe the testimony of a police officer or  
[6] other law enforcement agent just because of his or her  
[7] job?" You checked no.

[8] A. Yes.

[9] Q. The question was, "Would you be less likely  
[10] to believe the testimony of a law enforcement agent  
[11] because of his or her job?" You checked yes.

[12] A. Yes.

[13] Q. Why did you check that?

[14] A. Because -- repeat that again.

[15] Q. Why did you check "yes" to the second of  
[16] those two question?

[17] A. That's the verdict, right?

[18] Q. Sorry.

[19] A. That's the one, not the police officer,  
[20] right?

[21] Q. Would you be less likely to believe the  
[22] testimony of a police officer or other law enforcement  
[23] officer just because of his or her job? You checked  
[24] "yes." Why did you check that?

[25] A. Not really the situation. But the job

[1] COMMONWEALTH VS. JOHN IN  
 [2] A. South Philadelphia.  
 [3] Q. Any reason you didn't fill out the form?  
 [4] A. What's that? The Philadelphia,  
 [5] Pennsylvania.  
 [6] Q. It says, "section of the city, occupation.  
 [7] number of children."  
 [8] A. I didn't understand that. I don't have any  
 [9] children.  
 [10] Q. You didn't understand what?  
 [11] A. I didn't understand that area location.  
 [12] Usually I put Philadelphia, Pennsylvania, though.  
 [13] Q. Didn't understand the words "section of the  
 [14] city?"  
 [15] A. Yeah. I mean, that's South Philadelphia  
 [16] though.  
 [17] Q. What do you do for a living? You understand  
 [18] the work occupation?  
 [19] A. Yes, job.  
 [20] Q. What do you do for a living?  
 [21] A. Philadelphia Airport.  
 [22] Q. What do you do there?  
 [23] A. Adult and global service lab.  
 [24] Q. How long have you worked for them?  
 [25] A. Seven months.

[1] COMMONWEALTH VS. JOHN IN  
 [2] Q. What did you do before that?  
 [3] A. Aviation safeguard.  
 [4] Q. How long were you there?  
 [5] A. Six months.  
 [6] Q. Both at the airport?  
 [7] A. Yes.  
 [8] Q. You or someone close to you, sir, was a  
 [9] victim of a crime?  
 [10] A. I wasn't. But it wasn't someone close to  
 [11] me.  
 [12] Q. What relationship is that person to you?  
 [13] A. One of them was my cousin.  
 [14] Q. What happened to your cousin?  
 [15] A. He was -- armed robbery.  
 [16] Q. He was robbed?  
 [17] A. No. My cousin wasn't no victim. You saying  
 [18] victim or convicted of it? No, somebody was convicted  
 [19] of a crime. They went to jail, went to court for it,  
 [20] right?  
 [21] Q. There are two separate questions. The one  
 [22] says, "Have you or anyone close to you ever been a  
 [23] victim of a crime?"  
 [24] A. No.  
 [25] Q. You checked "yes." You're referring to your

[1] COMMONWEALTH VS. JOHN IN  
 [2] cousin who was convicted of an armed robbery?  
 [3] A. Yeah, he was.  
 [4] Q. Let's go to the next question then. "Have  
 [5] you or anyone close to you ever been arrested or  
 [6] charged with a crime?"  
 [7] A. My cousin.  
 [8] Q. What was he charged with?  
 [9] A. Armed robbery.  
 [10] Q. How long ago was that?  
 [11] A. Like two years ago.  
 [12] Q. Did you attend his trial?  
 [13] A. No.  
 [14] Q. You have an opinion as to whether he was  
 [15] treated fair or unfair?  
 [16] A. No.

**THE COURT:** All right. Could you give  
 us a moment, sir? Wait on the other side of  
 that door.

(Prospective juror departed the  
 courtroom.)

**MS. BARALDI:** Commonwealth has a motion  
 for cause.

**THE COURT:** Do you have any objection?

**MR. GIULIANI:** No objection.

[1] COMMONWEALTH VS. JOHN IN  
**THE COURT:** Jury Panel No. 19, she must  
 leave by two for childcare problems. Any  
 objection to calling her out of order?  
**MS. BARALDI:** No, Your Honor.  
**MR. GIULIANI:** No, Your Honor.  
**THE COURT CRIER:** State your name and  
 spell your last name.  
**PROSPECTIVE JUROR:** Courtney  
 Billingslea, B-I-L-L-I-N-G-S-L-E-A.  
**THE COURT CRIER:** Have a seat.  
 ---  
[13] . . . COURTNEY BILLINGSLEA, having  
 [14] been duly sworn, was examined and testified  
**as follows:**  
 ---  
**EXAMINATION**  
 ---  
**BY THE COURT:**  
 [20] Q. Ma'am, please correct me if I'm wrong. Did  
 [21] you raise your hand that jury service would be a  
 [22] hardship?  
 A. Yes, I did you.  
 Q. What's the nature of your hardship?  
 A. I have an eight-year-old who's in school. I

[1] COMMONWEALTH VS. JOHN IN  
 [2] usually leave work. I try to pick him up by three.  
 [3] Q. Did you bring to our attention that you have  
 [4] to leave at two today?  
 [5] A. Yes, I did. The gentleman that bought us up  
 [6] and ordered us in line.

[7] **THE COURT:** Either one of you have any  
 [8] questions?

[9] **MS. BARALDI:** No, Your Honor.

[10] **MR. GIULIANI:** No, Your Honor.

[11] **THE COURT:** Wait on the side of that  
 [12] door. Be right with you.

[13] **MR. GIULIANI:** Motion for cause, Your  
 [14] Honor.

[15] **THE COURT:** I'll grant it.

[16] Let the record reflect everyone is in  
 [17] place. You have a motion?

[18] **MR. GIULIANI:** It was Commonwealth. No  
 [19] objection.

[20] **THE COURT CRIER:** State your name for  
 [21] us.

[22] **PROSPECTIVE JUROR:** Carmen Serrano.

[23] - - -

[24] . . . CARMEN SERRANO, having  
 [25] been duly sworn, was examined and testified

[1] COMMONWEALTH VS. JOHN IN

[2] **as follows:**

[3] - - -

[4] EXAMINATION

[5] - - -

[6] **BY THE COURT:**

[7] Q. Ms. Serrano, tell us what you do for a  
 [8] living, please.

[9] A. Counselor at the Community College of  
 [10] Philadelphia.

[11] Q. How long have you been in that role?

[12] A. Thirty-five years.

[13] Q. I see here that you serve on a jury before?

[14] A. Yes.

[15] Q. How long ago?

[16] A. Four years ago.

[17] Q. Civil or criminal case?

[18] A. Civil.

[19] Q. You or someone close to you was a victim of  
 [20] a crime?

[21] A. My sister was attacked by a drunk driver.

[22] Q. Sorry to hear about that.

[23] A. Nineteen years ago.

[24] Q. If you were selected to serve on this jury,  
 [25] would you give both sides, the defendant and the

[1] COMMONWEALTH VS. JOHN IN

[2] Commonwealth, a fair trial?

[3] A. Sure.

[4] **THE COURT:** Would you wait on the other  
 [5] side of that exit door, ma'am. Go to your  
 [6] right. We'll be right with you.

[7] (The prospective juror departed the  
 [8] courtroom.)

[9] **MR. GIULIANI:** Your Honor, before we  
 [10] pass the pad, I note on the sheet it says  
 [11] occupation of spouse "probation officer  
 [12] supervisor," but when it was asked, "Has  
 [13] anyone close to you ever worked as a police  
 [14] officer in any law enforcement job," no. Is  
 [15] that something we want to clarify possibly?

[16] **THE COURT:** You want me to follow up?

[17] **MR. GIULIANI:** Yes, Your Honor.

[18] (The prospective juror entered the  
 [19] courtroom.)

[20] **BY THE COURT:**

[21] Q. Ms. Serrano, let me follow up. Tell me one  
 [22] more time, what did you say you do at community  
 [23] college?

[24] A. I am a counselor at community college  
 [25] through career counseling, academic plan.

[1] COMMONWEALTH VS. JOHN IN

[2] Q. Tell us what your spouse does for a living.

[3] A. My husband is a probation officer

[4] supervisor.

[5] Q. Okay. Now, there is a question, it says,  
 [6] "Have you or anyone close to you ever worked as a  
 [7] police officer or in any law enforcement job? This  
 [8] includes prosecutors, public defenders, defense  
 [9] lawyers, detectives, security guards or prison guards.  
 [10] You wrote "no," then a question mark, correct?

[11] A. My stepson is a patent attorney.

[12] Q. But we're referring to your husband.

[13] A. Right.

[14] Q. He's in law enforcement.

[15] A. Right.

[16] Q. Question is, Why did you check "yes" to  
 [17] that?

[18] A. Because I wasn't quite sure what exactly the  
 [19] question was.

[20] Q. Which is why you had a question mark?

[21] A. Right.

[22] Q. I don't know if the question mark came  
 [23] through on yours, but came through on mine.

[24] All right. Let me ask this question. Would  
 [25] the fact that your husband is a probation officer,

[1] COMMONWEALTH VS. JOHN IN  
 [2] would that in any way affect your ability to be a fair  
 [3] juror?

[4] **A.** I don't think so.

[5] **Q.** The fact your son or stepson is a patent  
 [6] attorney, would that affect your ability to be fair?

[7] **A.** Not at all.

[8] **THE COURT:** Thank you, ma'am. Wait on  
 [9] the other side of the door. We'll be right  
 [10] with you.

[11] (The prospective juror departed the  
 [12] courtroom.)

[13] **THE COURT:** Mr. Giuliani, want to make  
 [14] sure I covered the area you had concerns  
 [15] about.

[16] **MR. GIULIANI:** I'm satisfied. Thank  
 [17] you, Your Honor.

[18] **MS. BARALDI:** I don't have any  
 [19] questions. Thank you. Pass the pad.

[20] **THE COURT:** That's Juror No. 3.

[21] **THE COURT CRIER:** Can you state your  
 [22] name for us?

[23] **PROSPECTIVE JUROR:** James Robb.

[24] - - -

[25] . . . JAMES ROBB, having

[1] COMMONWEALTH VS. JOHN IN  
 [2] **A.** Criminal.  
 [3] **Q.** Were you or someone close to you a victim of  
 [4] a crime? That's a separate question. Okay. Let me  
 [5] start over again.

[6] The question is a separate question. I'm  
 [7] referring to Question No. 4. Have you or anyone close  
 [8] to you ever been a victim of a crime?

[9] **A.** Yes.

[10] **Q.** What relationship is that person or those  
 [11] persons to you?

[12] **A.** My sister.

[13] **Q.** What happened to your sister?

[14] **A.** My sister was murdered.

[15] **Q.** Sorry to hear that. How long ago was that?

[16] **A.** 1970.

[17] **Q.** Was anyone arrested?

[18] **A.** Yes.

[19] **Q.** Was there someone else?

[20] **A.** Yes, a brother.

[21] **Q.** What happened to your brother?

[22] **A.** He was burglarized.

[23] **Q.** The defendant in this case is charged with  
 [24] burglary. Can you set that incident aside and judge  
 [25] this case based simply on the evidence and the law?

[1] COMMONWEALTH VS. JOHN IN  
 [2] been duly sworn, was examined and testified  
 [3] **as follows:**

[4] - - -

[5] **EXAMINATION**

[6] - - -

[7] **BY THE COURT:**

[8] **Q.** Mr. Robb, I see here that you are retired;  
 [9] is that correct?

[10] **A.** Yes.

[11] **Q.** How long have you been retired, sir?  
 [12] **A.** Five years.

[13] **Q.** Tell us what you did for a living before  
 [14] retiring.

[15] **A.** Culture program director, City of  
 [16] Philadelphia.

[17] **Q.** You were in that job, sir, for how long?

[18] **A.** About 35 years.

[19] **Q.** I also see from your form that you served on  
 [20] a jury before, correct?

[21] **A.** I was an alternate.

[22] **Q.** How long ago was that?

[23] **A.** Fifteen, eighteen years ago.

[24] **Q.** Do you recall, sir, whether it was a civil  
 [25] or criminal case?

[1] COMMONWEALTH VS. JOHN IN  
 [2] **A.** Criminal.  
 [3] **Q.** Were you or someone close to you a victim of  
 [4] a crime? That's a separate question. Okay. Let me  
 [5] start over again.

[6] The question is a separate question. I'm  
 [7] referring to Question No. 4. Have you or anyone close  
 [8] to you ever been a victim of a crime?

[9] **A.** Yes.

[10] **Q.** What relationship is that person or those  
 [11] persons to you?

[12] **A.** My sister.

[13] **Q.** What happened to your sister?

[14] **A.** My sister was murdered.

[15] **Q.** Sorry to hear that. How long ago was that?

[16] **A.** 1970.

[17] **Q.** Was anyone arrested?

[18] **A.** Yes.

[19] **Q.** Was there someone else?

[20] **A.** Yes, a brother.

[21] **Q.** What happened to your brother?

[22] **A.** He was burglarized.

[23] **Q.** The defendant in this case is charged with  
 [24] burglary. Can you set that incident aside and judge  
 [25] this case based simply on the evidence and the law?

[1] COMMONWEALTH VS. JOHN IN  
 [2] **A.** Well, in addition to that I was burglarized.  
 [3] **Q.** Okay.

[4] **A.** I don't know. That's a difficult position  
 [5] to put me in.

[6] **Q.** Why is that?

[7] **A.** I don't like to be burglarized. I might  
 [8] have a difficult time deciding on a case like that.

[9] **Q.** How long ago were you burglarized?

[10] **A.** About ten years ago.

[11] **Q.** Is there something about that incident which  
 [12] would affect your ability to set that aside and judge  
 [13] this case based simply on the evidence and the law?  
 [14] **A.** I don't know. I just think the trauma of  
 [15] being burglarized really shook me.

[16] **Q.** Were you home when it happened?

[17] **A.** No, but my house was ransacked.

[18] **THE COURT:** All right, sir. Wait on the  
 [19] other side of the exit door. We'll be right  
 [20] with you.

[21] (The prospective juror departed the  
 [22] courtroom.)

[23] **MR. GIULIANI:** Motion for cause, Your  
 [24] Honor.

[25] **THE COURT:** Granted.

[1] COMMONWEALTH VS. JOHN IN  
 [2] **THE COURT CRIER:** Have a seat. State  
 [3] your name for us.

[4] **PROSPECTIVE JUROR:** Vashada Banks.

[5] ---

[6] . . . VASHADA BANKS, having  
 [7] been duly sworn, was examined and testified

[8] **as follows:**

[9] ---

[10] EXAMINATION

[11] ---

[12] **BY THE COURT:**

[13] **Q.** Ms. Banks, you checked off on your form that  
 [14] there is a reason you could not be fair.

[15] **A.** Yes.

[16] **Q.** What are those reasons?

[17] **A.** Well, I witnessed a couple of things I feel  
 [18] wasn't fair, from the police.

[19] **Q.** Do you think that would affect your ability  
 [20] to be a fair juror in this case?

[21] **A.** Yes.

[22] **Q.** You have a hardship?

[23] **A.** Yes. My hardship is I'm a headstart teacher  
 [24] and school for us starts on Monday. We were using this  
 [25] week to prepare our classroom for children. We start

[1] COMMONWEALTH VS. JOHN IN  
 [2] **A.** Almost four years.

[3] **Q.** Have you or anyone close to you ever been

[4] the victim of a crime?

[5] **A.** Yes.

[6] **Q.** What relationship is that person to you?

[7] **A.** It's a co-worker, for four years.

[8] **Q.** What happened to your co-worker?

[9] **A.** Robbery at gunpoint.

[10] **Q.** How long ago was that?

[11] **A.** A year ago.

[12] **Q.** To the best of your knowledge, was anyone  
 [13] arrested?

[14] **A.** I know they went to a trial.

[15] **Q.** I told you and your fellow jurors earlier  
 [16] this morning you may not give greater or lesser weight  
 [17] to the testimony of a police officer or other law  
 [18] enforcement agent simply because of his or her job,  
 [19] that a police officer's testimony is to be evaluated in  
 [20] the same manner as any other witness. Would you accept  
 [21] and apply that instruction?

[22] **A.** I would.

[23] **Q.** If you were selected to serve on this jury,  
 [24] would you give both sides, the defendant and the  
 [25] Commonwealth, a fair trial?

[1] COMMONWEALTH VS. JOHN IN

[2] on Monday.

[3] **THE COURT:** Would you give us a moment  
 [4] please. Wait on the other side of that door.

[5] We'll be right with you.

[6] (The prospective juror departed the  
 [7] courtroom.)

[8] **MS. BARALDI:** The Commonwealth has a  
 [9] motion.

[10] **THE COURT:** Motion for cause granted.

[11] **THE COURT CRIER:** Have a seat there.  
 [12] State your name for us.

[13] **PROSPECTIVE JUROR:** Michelle Hallman.

[14] ---

[15] . . . MICHELLE HALLMAN, having  
 [16] been duly sworn, was examined and testified

[17] **as follows:**

[18] ---

[19] EXAMINATION

[20] ---

[21] **BY THE COURT:**

[22] **Q.** Tell us what you do for a living, please.

[23] **A.** I'm an insurance broker.

[24] **Q.** You've been in that line of work for how  
 [25] long?

[1] COMMONWEALTH VS. JOHN IN

[2] **A.** I would, after hearing you speak this

[3] morning.

[4] **THE COURT:** Thank you. Be so kind as to  
 [5] wait on the other side of the exit door. Be  
 [6] right with you.

[7] (The prospective juror departed the  
 [8] courtroom.)

[9] **THE COURT:** You may pass the pad.

[10] **THE COURT CRIER:** Commonwealth Strike  
 [11] No. 1.

[12] **THE COURT CRIER:** Have a seat in number  
 [13] 7. State your name for us.

[14] **PROSPECTIVE JUROR:** Allan Williams.

[15] ---

[16] . . . ALLAN WILLIAMS, having  
 [17] been duly sworn, was examined and testified

[18] **as follows:**

[19] ---

[20] EXAMINATION

[21] ---

[22] **BY THE COURT:**

[23] **Q.** Sorry, tell us your name again.

[24] **A.** Allan Williams.

[25] **Q.** Mr. Williams, what do you do for a living?

[1] COMMONWEALTH VS. JOHN IN

[2] A. Accountant.

[3] Q. How long have you been in that line of work?

[4] A. About twelve, fourteen years or so.

[5] Q. If you were selected to serve on this jury,  
[6] would you give both sides, the defendant and the  
[7] Commonwealth, a fair trial?

[8] A. Yes.

[9] **THE COURT:** Thank you, sir. Be so kind  
[10] to wait on the side of the exit door. We'll  
[11] be right with you.

[12] (The prospective juror departed the  
[13] courtroom.)

[14] **THE COURT CRIER:** Ma'am, state your name  
[15] for us.

[16] **PROSPECTIVE JUROR:** Nadiya Brooks Kelly.

[17] - - -

[18] . . . NADIYA BROOKS KELLY, having  
[19] been duly sworn, was examined and testified

[20] **as follows:**

[21] - - -

[22] EXAMINATION

[23] - - -

[24] **BY THE COURT:**

[25] Q. Okay. Ma'am, would you please tell us what

[1] COMMONWEALTH VS. JOHN IN

[2] Q. What did you understand the question to  
[3] mean?

[4] A. It's like I can make up my own mind, but yet  
[5] I still have to see what's in front of, what's the  
[6] evidence. That's how I looked at it. The evidence in  
[7] my mind. I might think one thing, but the evidence  
[8] might show something totally different.

[9] Q. Did you raise your hand that jury service  
[10] would be a hardship?

[11] A. Yes.

[12] Q. What's the nature of your hardship?

[13] A. I have a disabled kid at home that goes to  
[14] school for like four hours and I don't have childcare.  
[15] I would have a, wouldn't have a problem doing it. I  
[16] need somebody there to get him on the bus and off the  
[17] bus.

[18] Q. You have three other children?

[19] A. Correct. They go to public school.

[20] **THE COURT:** Can you give us a moment,  
[21] please? Wait on the other side of the exit  
[22] door, we'll be right with you.

[23] **PROSPECTIVE JUROR:** Sure.

[24] (The prospective juror departed the  
[25] courtroom.)

[1] COMMONWEALTH VS. JOHN IN

[2] Q. What did you understand the question to  
[3] mean?

[4] A. It's like I can make up my own mind, but yet  
[5] I still have to see what's in front of, what's the  
[6] evidence. That's how I looked at it. The evidence in  
[7] my mind. I might think one thing, but the evidence  
[8] might show something totally different.

[9] Q. Did you raise your hand that jury service  
[10] would be a hardship?

[11] A. Yes.

[12] Q. What's the nature of your hardship?

[13] A. I have a disabled kid at home that goes to  
[14] school for like four hours and I don't have childcare.  
[15] I would have a, wouldn't have a problem doing it. I  
[16] need somebody there to get him on the bus and off the  
[17] bus.

[18] Q. You have three other children?

[19] A. Correct. They go to public school.

[20] **THE COURT:** Can you give us a moment,  
[21] please? Wait on the other side of the exit  
[22] door, we'll be right with you.

[23] **PROSPECTIVE JUROR:** Sure.

[24] (The prospective juror departed the  
[25] courtroom.)

[1] COMMONWEALTH VS. JOHN IN  
 [2] **A.** Since 1978.  
 [3] **Q.** You checked off that you know people in law  
 [4] enforcement.  
 [5] **A.** That's correct, sir.  
 [6] **Q.** What relationship are they to you?  
 [7] **A.** Personal friends and my cousin.  
 [8] **Q.** Would the fact you have friends and  
 [9] relatives in law enforcement, would that affect your  
 [10] ability to be a fair juror?  
 [11] **A.** I don't really think so. Except my cousin  
 [12] in Jersey was a cop for about twenty-five years. When  
 [13] we had our get-togethers, he would express himself  
 [14] regarding the authority. He wasn't too happy with the  
 [15] authority. I don't think it would affect me.  
 [16] **Q.** Let me ask you this, sir. If you are  
 [17] selected to serve on the jury, you would be obliged to  
 [18] decide the case based simply on the evidence and the  
 [19] law and set aside everything else. Could you do this?  
 [20] **A.** I think I could.  
 [21] **Q.** If you are selected to serve on this jury,  
 [22] would you give both sides, the defendant and the  
 [23] Commonwealth, a fair trial?  
 [24] **A.** I would try to, sir. The reason why I say  
 [25] that because my cousin in 1980 was shot. He was at the

[1] COMMONWEALTH VS. JOHN IN  
 [2] wrong spot at the wrong time. It happened in  
 [3] Philadelphia across Sears and Roebucks. He was in the  
 [4] wrong spot, the wrong time, was shot and messed up his  
 [5] left arm. They went to trial and I think the witness  
 [6] was dismissed.  
 [7] **Q.** I understand, sir. But does that have  
 [8] anything to do with this case?  
 [9] **A.** But it's simply, I think you said it was a  
 [10] robbery. I don't know if that would affect me or not.  
 [11] I just want to be honest with you.  
 [12] **THE COURT:** Either one of you have any  
 [13] follow-up questions?  
 [14] **MS. BARALDI:** No.  
 [15] **MR. GIULIANI:** No.  
 [16] **THE COURT:** Would you wait on the other  
 [17] side of that door.  
 [18] (The prospective juror departed the  
 [19] courtroom.)  
 [20] **MR. GIULIANI:** Motion for cause, Your  
 [21] Honor.  
 [22] **THE COURT:** Ms. Baraldi.  
 [23] **MS. BARALDI:** I don't have any  
 [24] objection.  
 [25] **THE COURT:** Motion granted.

[1] COMMONWEALTH VS. JOHN IN  
 [2] **THE COURT CRIER:** State your name for  
 [3] us.  
 [4] **PROSPECTIVE JUROR:** Valery Galibov.  
 [5] ---  
 [6] ... VALERY GALIBOV, having  
 [7] been duly sworn, was examined and testified  
 [8] **as follows:**  
 [9] ---  
 [10] EXAMINATION  
 [11] ---  
 [12] **BY THE COURT:**  
 [13] **Q.** What do you do for a living?  
 [14] **A.** Computer programmer.  
 [15] **Q.** How long have you been a computer  
 [16] programmer?  
 [17] **A.** Here in this country? Seventeen, eighteen  
 [18] years.  
 [19] **Q.** You lived in this country at least 17, 18  
 [20] years?  
 [21] **A.** Yeah.  
 [22] **Q.** You have any religious, moral or ethical  
 [23] beliefs that would prevent you from sitting in judgment  
 [24] in this case and rendering a fair verdict?  
 [25] **A.** I am religious. But given how the trial

[1] COMMONWEALTH VS. JOHN IN  
 [2] will go.  
 [3] **Q.** You tell me. When you checked off "yes" to  
 [4] this question, was it a religious, moral or ethical  
 [5] belief that caused you to check it?  
 [6] **A.** It's more religious.  
 [7] **Q.** What is it, the religious belief?  
 [8] **A.** The truth is supposed to be right.  
 [9] **Q.** How would that affect your ability to render  
 [10] a fair verdict?  
 [11] **A.** I -- I don't know.  
 [12] **Q.** Would you have any problem during jury  
 [13] deliberations in a criminal case discussing the case  
 [14] fully with your fellow jurors and still making up your  
 [15] own mind?  
 [16] **A.** Sorry.  
 [17] **Q.** Would you have any problem in a criminal  
 [18] case discussing the evidence with your fellow jurors  
 [19] but still making up your own mind?  
 [20] **A.** Problem on the lack of English.  
 [21] **Q.** Say it again.  
 [22] **A.** Lack of English. Sometimes I might not  
 [23] understand fully what people talking about. That's  
 [24] all.  
 [25] **THE COURT:** Would you give me a moment

[1] COMMONWEALTH VS. JOHN IN  
 [2] please and wait on the other side of the exit  
 [3] door to your right. We'll be right with you.

**PROSPECTIVE JUROR:** Yes.

(The prospective juror departed the courtroom.)

**THE COURT:** Either one of you have any follow-up questions?

**MS. BARALDI:** I have a motion for cause.

**THE COURT:** Motion granted.

**THE COURT CRIER:** Number 17, Your Honor.

**THE COURT:** Mr. Dafino has just called number 17. The record should reflect Mr. 17 had an outburst during my general instructions to the panel. He was dismissed.

It is the Court's belief that he has some kind of mental, serious mental disorder. Anybody have any objection to his dismissal?

**MR. GIULIANI:** No, Your Honor.

**MS. BARALDI:** No, Your Honor.

**THE COURT CRIER:** State your name for us.

**PROSPECTIVE JUROR:** Patricia Davis.

---

... PATRICIA DAVIS, having

[1] COMMONWEALTH VS. JOHN IN  
 [2] been duly sworn, was examined and testified  
 [3] **as follows:**

[4] - - -  
 [5] EXAMINATION  
 [6] - - -

[7] **BY THE COURT:**

[8] **Q.** Ms. Davis, tell us what you do for a living  
 [9] please.

[10] **A.** I'm a homekeeper right now.

[11] **Q.** Now, let me see if I understand you. Do you  
 [12] keep house for someone or referring to keeping your own  
 [13] house?

[14] **A.** Own home, house.

[15] **Q.** Full-time housewife?

[16] **A.** Yes.

[17] **Q.** You wrote "/student."

[18] **A.** Yes. Excuse me?

[19] **Q.** You wrote --

[20] **A.** Just a little upgrade. I was a CNA, just  
 [21] something to keep me busy.

[22] **Q.** You wrote homekeeper/student. What are you  
 [23] studying?

[24] **A.** Just refreshment course, math.

[25] **Q.** Have you ever served on a jury before?

[1] COMMONWEALTH VS. JOHN IN  
 [2] **A.** No.  
 [3] **Q.** You checked "yes" on the form. Was that a  
 [4] mistake?  
 [5] **A.** Well, I don't know if you could call it a --  
 [6] we made a decision about a jury once about two years  
 [7] ago. It was just a day jury.

[8] **Q.** Say that one more time.

[9] **A.** They had to decide. I don't know what it  
 [10] was about, but we made a decision about something. It  
 [11] was like a full day jury there. There all day long.  
 [12] The judge kept us as a jury. He dismissed us after the  
 [13] decision came through.

[14] **Q.** Who made the decision?

[15] **A.** I guess we did. Whatever reason there was I  
 [16] don't know. Probably a mistake.

[17] **Q.** You were or were not --

[18] **A.** For a day. It was just for a day.

[19] **Q.** For a day?

[20] **A.** It was just for a day.

[21] **Q.** Was it a civil or criminal case?

[22] **A.** Civil.

[23] **Q.** Have you or anyone close to you been a  
 [24] victim of a crime?

[25] **A.** No, I haven't.

[1] COMMONWEALTH VS. JOHN IN  
 [2] **Q.** Sorry.  
 [3] **A.** I haven't, no.  
 [4] **Q.** You checked "yes" to that on the form.  
 [5] **A.** Someone close to me but not I.  
 [6] **Q.** What's your relationship to that person?  
 [7] **A.** My brother.

[8] **Q.** What happened to your brother?

[9] **A.** He was robbed and beat up.

[10] **Q.** How long ago was that?

[11] **A.** Been about five years.

[12] **Q.** Did he report it?

[13] **A.** Yes.

[14] **Q.** Was anyone arrested?

[15] **A.** No.

[16] **Q.** Is there anything about that incident that  
 [17] would affect your ability to be a fair juror in this  
 [18] case?

[19] **A.** No.

[20] **Q.** You checked off that you or someone close to  
 [21] you was arrested or charged with a crime?

[22] **A.** That was a mistake. Someone I know, but  
 [23] they're not close to me.

[24] **Q.** Someone you know?

[25] **A.** Someone I know, a neighbor of mine.

[1] COMMONWEALTH VS. JOHN IN  
 [2] Q. What was your neighbor charged with?  
 [3] A. Robbery, assault.  
 [4] Q. How long ago was that?  
 [5] A. That's been about ten years because he's  
 [6] still in jail for the charges right now.  
 [7] Q. Did you attend the trial?  
 [8] A. No.  
 [9] Q. Do you have an opinion to whether your  
 [10] neighbor was treated fair or unfair?  
 [11] A. Not knowing the circumstances I believe he  
 [12] was treated fair.  
 [13] Q. Knowing him as the person you know him as.  
 [14] When you checked off that you or someone close to you  
 [15] was a victim of a crime, is that someone we already  
 [16] discussed?  
 [17] A. No.  
 [18] Q. Tell us who the person was.  
 [19] A. It was a neighbor of mine who I used to go  
 [20] to work with, catched the bus to work. I came out and  
 [21] the police were all surrounding somebody. Someone had  
 [22] beat her, hit her in the back of the head and left her  
 [23] for dead.  
 [24] Q. Sorry to hear that. Is there anything about  
 [25] that incident which would affect your ability to be a

[1] COMMONWEALTH VS. JOHN IN  
 [2] fair juror?  
 [3] A. No.  
 [4] Q. You know people in law enforcement?  
 [5] A. Yes.  
 [6] Q. What relationship are they to you?  
 [7] A. My mother's godson.  
 [8] Q. What does he do?  
 [9] A. He's a prison guard.  
 [10] Q. Would the fact that you know someone in law  
 [11] enforcement, would that affect your ability to be a  
 [12] fair juror?  
 [13] A. No.  
 [14] Q. One of the instructions I gave you and your  
 [15] fellow jurors earlier this morning was that you can  
 [16] give no greater or lesser weight to the testimony of a  
 [17] police officer or other law enforcement agent simply  
 [18] because of his or her job. A police officer's  
 [19] testimony is to be evaluated in the same way as any  
 [20] other witnesses. Would you accept and apply that  
 [21] instruction?  
 [22] A. Yes, I did mark that wrong because I  
 [23] understood it better after you explained.  
 [24] Q. If you were selected to serve on this jury,  
 [25] would you give both sides, the defendant and the

[1] COMMONWEALTH VS. JOHN IN  
 [2] Commonwealth, a fair trial?  
 [3] A. Yes.  
 [4] **THE COURT:** If you would wait for us on  
 [5] the other side of the exit door for a moment,  
 [6] Ms. Davis, we'll be right with you.  
 [7] **PROSPECTIVE JUROR:** Sure.  
 [8] (The prospective juror departed the  
 [9] courtroom.)  
 [10] **THE COURT:** Counsel, do either of you  
 [11] have any follow-up question?  
 [12] **MS. BARALDI:** No, Your Honor.  
 [13] **MR. GIULIANI:** No, Your Honor.  
 [14] **THE COURT CRIER:** State your name for  
 [15] us.  
 [16] **PROSPECTIVE JUROR:** Marianne Leonetti  
 [17] Merkle.  
 [18] ---  
 [19] . . . MARIANNE LEONETTI MERKLE, having  
 [20] been duly sworn, was examined and testified  
 [21] **as follows:**  
 [22] ---  
 [23] EXAMINATION  
 [24] ---  
 [25] **BY THE COURT:**

[1] COMMONWEALTH VS. JOHN IN  
 [2] Q. Ms. Leonetti Merkle, what you do for a  
 [3] living?  
 [4] A. Nurse.  
 [5] Q. That's an RN?  
 [6] A. Yes.  
 [7] Q. Do you work at either a hospital, doctor's  
 [8] office or some other setting?  
 [9] A. Home care.  
 [10] Q. You've been a nurse now for how long?  
 [11] A. Twenty-one years.  
 [12] Q. How long ago was it, ma'am, that you served  
 [13] on a jury?  
 [14] A. About three years.  
 [15] Q. Civil or criminal case?  
 [16] A. Civil.  
 [17] Q. If you were selected to serve on this jury,  
 [18] would you give both sides, the defendant and the  
 [19] Commonwealth, a fair trial?  
 [20] A. Yes.  
 [21] **THE COURT:** Would you be so kind to wait  
 [22] on the other side of the exit door. We'll be  
 [23] right with you.  
 [24] (The prospective juror departed the  
 [25] courtroom.)

[1] COMMONWEALTH VS. JOHN IN

[2] **THE COURT CRIER:** State your name for  
[3] us.

[4] **PROSPECTIVE JUROR:** One moment, please.

[5] **THE COURT CRIER:** Sure, take your time.

[6] **PROSPECTIVE JUROR:** Dianne Delange.

[7] - - -

[8] . . . DANNETTE DELANGE, having  
[9] been duly sworn, was examined and testified

[10] **as follows:**

[11] - - -

[12] EXAMINATION

[13] - - -

[14] **BY THE COURT:**

[15] **Q.** Tell us what you do for a living, please.

[16] **A.** I'm currently on welfare. I don't have a  
[17] job right now so.

[18] **Q.** How long ago was it that you last worked?

[19] **A.** June.

[20] **Q.** June of '08?

[21] **A.** Yes.

[22] **Q.** What kind of work were you doing then?

[23] **A.** Receptionist, sales. Worked for a legal  
[24] supply company.

[25] **Q.** How long were you in that job?

[1] COMMONWEALTH VS. JOHN IN

[2] **A.** He didn't make a trial, but I was in the  
[3] courtroom.

[4] **Q.** Did you have an opinion to whether he was  
[5] treated fair or unfair?

[6] **A.** He was treated fair.

[7] **Q.** When you checked off that you or someone  
[8] close to you was an eyewitness to a crime, is that  
[9] something we already discussed or something else?

[10] **A.** No, that's something different.

[11] **Q.** You were a witness?

[12] **A.** Yes.

[13] **Q.** Tell us what you saw.

[14] **A.** I don't know if you remember the Aramino  
[15] Diner shooting. I was working. Some guy came in.  
[16] They had an argument. The two of them had an argument.

[17] A guy pulled out a gun and killed him.

[18] **Q.** You witnessed that?

[19] **A.** Yes.

[20] **Q.** If you were selected to serve on this jury,  
[21] could you set that incident aside and decide the case  
[22] based simply on the evidence and the law?

[23] **A.** Yes.

[24] **Q.** Pardon me, I suppose I should have asked  
[25] that before. Are you presently taking any medication

[1] COMMONWEALTH VS. JOHN IN

[2] **A.** Four years.

[3] **Q.** Please don't tell me your home address or  
[4] even the street that you live on, but in what section  
[5] of the city do you live?

[6] **A.** Port Richmond.

[7] **Q.** Going to ask you the next two questions

[8] because I'm not sure whether you checked yes or no.

[9] Have you or anyone close to you ever been a victim of a  
[10] crime?

[11] **A.** No. That was my brother, but he won't --

[12] that's why I put it first. It was yes then I put no.

[13] **Q.** Your brother was a victim of a crime?

[14] **A.** He wasn't. I wrote it over. He wasn't.

[15] **Q.** Has anyone close to you ever been arrested  
[16] or charged with a crime?

[17] **A.** My brother was.

[18] **Q.** The answer is yes?

[19] **A.** Yes.

[20] **Q.** What was your brother charged with?

[21] **A.** Robbery.

[22] **Q.** How long ago was that?

[23] **A.** He's on parole now. He just got out a year  
[24] ago.

[25] **Q.** Did you attend his trial?

[1] COMMONWEALTH VS. JOHN IN

[2] that might interfere with or prevent you from serving  
[3] as a juror?

[4] **A.** I'm taking a lot of medication actually. I  
[5] get sleepy through the day. Like, just back there I  
[6] was sleeping. But I'm taking 100 mg. of Seroquel, of  
[7] Restoril 30 mg. -- Restoril and Clozapin.

[8] **Q.** It makes you drowsy?

[9] **A.** Yeah, makes me tired.

[10] **THE COURT:** Can you give us a moment.  
[11] Wait on the other side of the door. We'll be  
[12] with you momentarily.

[13] **PROSPECTIVE JUROR:** Sure.

[14] (The prospective juror departed the  
[15] courtroom.)

[16] **MR. GIULIANI:** Motion for cause.

[17] **THE COURT:** Motion granted.

[18] **THE COURT CRIER:** State your name for  
[19] us.

[20] **PROSPECTIVE JUROR:** Ansil Boyce.

[21] - - -

[22] . . . ANSIL BOYCE, having

[23] been duly sworn, was examined and testified

[24] **as follows:**

[25] - - -

[1] COMMONWEALTH VS. JOHN IN  
[2] EXAMINATION  
[3] - - -

[4] **BY THE COURT:**

[5] **Q.** Mr. Boyce, do you have any religious, moral  
[6] or ethical beliefs that would prevent you from sitting  
[7] in judgment in a criminal case rendering a fair  
[8] verdict?

[9] **A.** Yes, I do.

[10] **Q.** Is your belief religious, moral, ethical?

[11] **A.** Moral.

[12] **Q.** What is the nature of the belief?

[13] **A.** I do not believe in the death probation.

[14] **Q.** This is not a death penalty case. Would you  
[15] be able to serve on this jury?

[16] **A.** No, I cannot, due to medical appointments  
[17] that I have.

[18] **Q.** Would you tell us about it.

[19] **A.** Yes. I have two procedures I have to do --  
[20] one is a blood, I have to take my blood to do some  
[21] bloodwork; the next one is for my prostate.

[22] **Q.** That's when?

[23] **A.** One is on Thursday, the next one is on  
[24] Monday.

[25] **THE COURT:** Would you give us a moment.

[1] COMMONWEALTH VS. JOHN IN

[2] Wait on the other side of the exit door.  
[3] We'll be right with you.

[4] (The prospective juror departed the  
[5] courtroom.)

[6] **THE COURT:** Any objection to these  
[7] hardships?

[8] **MS. BARALDI:** No, Your Honor.

[9] **MR. GIULIANI:** No, Your Honor.

[10] **THE COURT:** Hardship granted.

[11] **THE COURT CRIER:** State your name for  
[12] us, spell your last name.

[13] **PROSPECTIVE JUROR:** Crystal Jones,  
[14] J-O-N-E-S.

[15] - - -

[16] . . . CRYSTAL JONES, having

[17] been duly sworn, was examined and testified

[18] **as follows:**

[19] - - -

[20] EXAMINATION

[21] - - -

[22] **BY THE COURT:**

[23] **Q.** Ms. Jones, you check off on the form that  
[24] there is a reason or reasons why you could not be a  
[25] fair juror?

[1] COMMONWEALTH VS. JOHN IN

[2] **A.** Yes.

[3] **Q.** Would you tell us what your reasons are.

[4] **A.** It's -- if it was a homicide case.

[5] **Q.** It's not a homicide case.

[6] **A.** That's the reason I checked it off.

[7] **Q.** Would you have any problem following the  
[8] Judge's instruction that the defendant in a criminal  
[9] case is presumed to be innocent until proven guilty  
[10] beyond a reasonable doubt?

[11] **A.** No.

[12] **Q.** You checked "yes" on the form.

[13] **A.** I meant to check "no."

[14] **Q.** Tell us what you do for a living.

[15] **A.** Quality analyst.

[16] **Q.** And how long have you been in that job?

[17] **A.** Three years.

[18] **Q.** Have you ever served on a jury before?

[19] **A.** Yes.

[20] **Q.** How long ago?

[21] **A.** Seven years.

[22] **Q.** Was that a civil or criminal case?

[23] **A.** Criminal.

[24] **Q.** You or someone close to you, ma'am, was a  
[25] victim of a crime?

[1] COMMONWEALTH VS. JOHN IN

[2] **A.** Yes.

[3] **Q.** What relationship is that to you?

[4] **A.** My cousin.

[5] **Q.** What happened to your cousin?

[6] **A.** He was murdered.

[7] **Q.** Sorry to hear that. How long ago was it?

[8] **A.** Two years ago.

[9] **Q.** Sorry.

[10] **A.** Two years ago.

[11] **Q.** Was anyone arrested?

[12] **A.** Yes.

[13] **Q.** Is there anything about that case which  
[14] would affect your ability to be a fair juror in this

[15] case?

[16] **A.** Honestly I don't know. I really couldn't  
[17] say. I don't know.

[18] **Q.** You think it might?

[19] **A.** It might. I don't know.

[20] **Q.** What is it about the cousin's case that  
[21] might affect your ability to be fair in this case?

[22] **A.** I can't think of a reason. It would -- I  
[23] can't -- I don't know because I haven't, I haven't been  
[24] in a courtroom or anything since then.

[25] **THE COURT:** Could you give us a moment,

[1] COMMONWEALTH VS. JOHN IN  
 [2] ma'am. Wait on the other side of the exit  
 [3] door. We'll be right with you.

[4] (The prospective juror departed the  
 [5] courtroom.)

[6] **THE COURT:** Do either of you wish to  
 [7] follow up?

[8] **MS. BARALDI:** No, Your Honor.

[9] **MR. GIULIANI:** No, Your Honor. Motion  
 [10] for cause.

[11] **THE COURT:** Granted cause on Ms. Jones.

[12] **THE COURT CRIER:** State your name for  
 [13] us.

[14] **PROSPECTIVE JUROR:** Michele Higgins.

[15] ---

[16] . . . MICHELE HIGGINS, having  
 [17] been duly sworn, was examined and testified

[18] **as follows:**

[19] ---

[20] EXAMINATION

[21] ---

[22] **BY THE COURT:**

[23] **Q.** Ms. Higgins, what do you do for a living?

[24] **A.** I work at United Parcel Service as quality  
 [25] control.

[1] COMMONWEALTH VS. JOHN IN

[2] **Q.** How long you been with them?

[3] **A.** Excuse me.

[4] **Q.** How long have you been with them?

[5] **A.** Twenty-three years.

[6] **Q.** Have you or anyone close to you ever been  
 [7] charged with a crime?

[8] **A.** Judge, my niece had a DUI.

[9] **Q.** How long ago was that?

[10] **A.** I guess about two years ago.

[11] **Q.** Is there anything about that case which  
 [12] would affect your ability to be a fair juror in this  
 [13] case?

[14] **A.** No, ma'am.

[15] **Q.** You checked off that you know people in law  
 [16] enforcement.

[17] **A.** Yes, my father was a police officer.

[18] **Q.** Would the fact that your father worked in  
 [19] law enforcement, would that in any way affect your  
 [20] ability to be a fair juror?

[21] **A.** I don't think so, no.

[22] **Q.** One of the instructions I gave you and your  
 [23] fellow jurors this morning was you may give no greater  
 [24] or lesser weight to the testimony of a policeman or  
 [25] other law enforcement agent simply because of his or

[1] COMMONWEALTH VS. JOHN IN  
 [2] her job. A police officer is to have his or her  
 [3] testimony evaluated the same way you would that of any  
 [4] other witness. Would you accept and follow that  
 [5] instruction?

[6] **A.** Can you say that again, Judge?

[7] **Q.** Yes. When you and your fellow panel members  
 [8] came in the morning, you will recall I gave you some  
 [9] instructions in the law. One instruction was that you  
 [10] may give no greater or lesser weight to the testimony  
 [11] of a police officer or any other law enforcement agent  
 [12] simply because of his or her job. A police officer's  
 [13] testimony is to be evaluated in the same way that you  
 [14] would that of any other witness. Would you accept and  
 [15] follow that instruction?

[16] **A.** Yes.

[17] **Q.** If you were selected to serve on this jury,  
 [18] would you give both sides, the defendant and the  
 [19] Commonwealth, a fair trial?

[20] **A.** Yes.

[21] **THE COURT CRIER:** If you would wait for  
 [22] us on the other side of the exit door, we'll  
 [23] be right with you.

[24] **PROSPECTIVE JUROR:** Sure.  
 [25] (The prospective juror departed the

[1] COMMONWEALTH VS. JOHN IN  
 [2] courtroom.)

[3] **MR. GIULIANI:** Defense Strike No. 1.

[4] **THE COURT CRIER:** State your name for  
 [5] us.

[6] **PROSPECTIVE JUROR:** Margaretta L.  
 [7] Nicholson.

[8] ---

[9] . . . MARGARETTA L. NICHOLSON, having  
 [10] been duly sworn, was examined and testified

[11] **as follows:**

[12] ---

[13] EXAMINATION

[14] ---

[15] **BY THE COURT:**

[16] **Q.** Ms. Nicholson, I see here you are retired;  
 [17] is that correct?

[18] **A.** That's correct.

[19] **Q.** How long have you been retired?

[20] **A.** Since June 29th.

[21] **Q.** What kind of work did you do before  
 [22] retiring?

[23] **A.** Emergency room nurse.

[24] **Q.** Were you an RN or --

[25] **A.** LPN.

[1] COMMONWEALTH VS. JOHN IN  
 [2] Q. How long did you work as an LPN?  
 [3] A. About thirty years.  
 [4] Q. Sorry.  
 [5] A. Maybe thirty years.  
 [6] Q. Now, you checked off on your form that there  
 [7] is a reason or reasons you could not be a fair juror.  
 [8] What are they?  
 [9] A. Well, the reason is I can't be a juror, not  
 [10] that I wouldn't be fair. I wouldn't be a juror because  
 [11] I know part of the world, the world as you have it.  
 [12] I'm one of the Jehovah's Witnesses. No reason, the  
 [13] reason because we know part of the world. I can't get  
 [14] involved in this thing; the world does.  
 [15] Q. Is that why you checked "no"?  
 [16] A. This? Yes.  
 [17] Q. Do you have any religious, moral or ethical  
 [18] beliefs that would prevent you from serving as a fair  
 [19] juror?  
 [20] A. Yes.  
 [21] THE COURT: Give us a moment. Wait on  
 [22] the other side of the exit door. We'll be  
 [23] right with you.  
 [24] PROSPECTIVE JUROR: Thank you.  
 [25] (The prospective juror departed the

[1] COMMONWEALTH VS. JOHN IN  
 [2] Q. What kind of work did you do before that?  
 [3] A. Loan support coordinator.  
 [4] Q. Say that one more time.  
 [5] A. Loan support coordinator.  
 [6] Q. What kind of agency?  
 [7] A. Agency for Option One.  
 [8] Q. How long did you work at that job?  
 [9] A. For a year.  
 [10] Q. I see here, ma'am, that you served on a jury  
 [11] before?  
 [12] A. Yes, that was a long time ago.  
 [13] Q. About how long ago?  
 [14] A. I can't even remember.  
 [15] Q. Over five years?  
 [16] A. Maybe so.  
 [17] Q. Over ten years?  
 [18] A. No. Between five and ten, yeah.  
 [19] Q. Do you remember whether it was a civil or  
 [20] criminal case?  
 [21] A. No.  
 [22] Q. You don't remember?  
 [23] A. No.  
 [24] Q. You or someone close to you, Ms. Swain, was  
 [25] a victim of a crime?

[1] COMMONWEALTH VS. JOHN IN  
 [2] courtroom.)  
 [3] MS. BARALDI: Motion for cause, Your  
 [4] Honor.  
 [5] THE COURT: Granted.  
 [6] THE COURT CRIER: State your name for  
 [7] us, please.  
 [8] PROSPECTIVE JUROR: Neshaa Swayne.  
 [9] ---  
 [10] . . . NESHAA SWAYNE, having  
 [11] been duly sworn, was examined and testified  
 [12] as follows:  
 [13] ---  
 [14] EXAMINATION  
 [15] ---  
 [16] BY THE COURT:  
 [17] Q. What do you do for a living, please?  
 [18] A. Right now I'm unemployed.  
 [19] Q. How long have you been unemployed?  
 [20] A. For about four months.  
 [21] Q. What kind of work did you do before that?  
 [22] A. I was working at a bridal shop doing order  
 [23] entries.  
 [24] Q. How long were you there?  
 [25] A. Two months.

[1] COMMONWEALTH VS. JOHN IN  
 [2] A. Yes.  
 [3] Q. What relationship is that person or those  
 [4] persons to you?  
 [5] A. My cousin.  
 [6] Q. What happened to your cousin?  
 [7] A. I think he was committed for, committed the  
 [8] crime of robbery. He just came home from jail.  
 [9] Q. All right. Let me ask it another way.  
 [10] There are two questions. One asks, "Have you or anyone  
 [11] close to you ever been the victim of a crime?" The  
 [12] other one asks, "Have you or anyone close to you been  
 [13] arrested or charged with a crime?" I'll take the  
 [14] second one first. Your cousin was arrested and charged  
 [15] with robbery; is that right?  
 [16] A. Yes.  
 [17] Q. Did you attend his trial?  
 [18] A. No.  
 [19] Q. You have an opinion as to whether he was  
 [20] treated fair or unfair?  
 [21] A. He was treated fair.  
 [22] Q. The defendant is on trial for robbery. Is  
 [23] there anything about your cousin's case which would  
 [24] affect your ability to be a fair juror in this case?  
 [25] A. No.

[1] COMMONWEALTH VS. JOHN IN

[2] Q. Have you or anyone close to you ever been a  
[3] victim of a crime?

[4] A. No.

[5] Q. You checked off that you or someone close to  
[6] you was an eyewitness to a crime. Who was the witness?

[7] A. It was a friend of mine.

[8] Q. What did your friend see?

[9] A. He seen someone get shot.

[10] Q. Is there anything about what your friend saw

[11] that would affect your ability to be a fair juror?

[12] A. No.

[13] Q. Would you be less likely to believe the  
[14] testimony of a police officer or other law enforcement  
[15] agent simply because of his or her job?

[16] A. No.

[17] Q. You checked "yes" on the form.

[18] A. What was the question again?

[19] Q. "Would you be less likely to believe the  
[20] testimony of a police officer."

[21] A. Yeah.

[22] Q. You would?

[23] A. I feel as though they not no different from  
[24] any other witness, no different from any other.

[25] Q. Let me put it another way, ma'am. Earlier

[1] COMMONWEALTH VS. JOHN IN

[2] this morning I gave you and your fellow jurors that  
[3] **essentially as follows:** "A police officer's testimony  
[4] may be given no greater or lesser weight simply because  
[5] of his or her job. A police officer is to have his or  
[6] her testimony evaluated using the same standard you  
[7] would use to evaluate that of any other witnesses."

[8] A. Right.

[9] Q. Would you be able to accept and apply that  
[10] instruction?

[11] A. Yes.

[12] Q. If you were selected to serve on this jury,  
[13] would you give both sides, the defendant and the  
[14] Commonwealth, a fair trial?

[15] A. Yes.

[16] **THE COURT:** Wait on the other side of  
[17] that exit door to your right. Be right with  
[18] you.

[19] (The prospective juror departed the  
[20] courtroom.)

[21] **THE COURT:** Any follow-up?

[22] **MS. BARALDI:** No, Your Honor.

[23] **MR. GIULIANI:** No, Your Honor.

[24] **THE COURT:** Pass the pad.

[25] **THE COURT CRIER:** State your name,

[1] COMMONWEALTH VS. JOHN IN

[2] please.

[3] **PROSPECTIVE JUROR:** Kelly Dozier.

[4] ---

[5] ... KELLY DOZIER, having  
[6] been duly sworn, was examined and testified

[7] **as follows:**

[8] ---

[9] EXAMINATION

[10] ---

[11] **BY THE COURT:**

[12] Q. Ms. Dozier, tell us what you do for a  
[13] living.

[14] A. Teller supervisor at PNC bank, full-time.

[15] Q. How long have you been in that job?

[16] A. Two years. It will be three years in

[17] November.

[18] Q. Would you have any problem following the  
[19] Court's instruction that the defendant in a criminal  
[20] case is presumed to be innocent until proven guilty  
[21] beyond a reasonable doubt?

[22] A. No.

[23] Q. Did you raise your hand that jury service  
[24] would be a hardship?

[25] A. Yes.

[1] COMMONWEALTH VS. JOHN IN

[2] Q. What's the nature of your hardship?

[3] A. We have a new bank so I'm the manager. I'm  
[4] supervisor and I open every morning. Right now I don't  
[5] have anyone to open the bank at seven-thirty.

[6] Q. What would happen if you got sick, ma'am?

[7] A. Well, they would have to find someone.

[8] You're right about that.

[9] Q. You live in the Northern Liberties section  
[10] of our city?

[11] A. Yes.

[12] Q. How long have you lived in that section of  
[13] Philadelphia?

[14] A. Two years.

[15] Q. Would you be less likely to believe the  
[16] testimony of a police officer or other law enforcement  
[17] agent simply because of his or her job?

[18] A. I put yes and no because I believe that  
[19] there are some police officers that don't tell the  
[20] truth.

[21] Q. Did you hear my instructions earlier this  
[22] morning on that issue?

[23] A. What was it? Recap.

[24] Q. A police officer's testimony is not to be  
[25] given any lesser weight or greater weight merely

[1] COMMONWEALTH VS. JOHN IN  
 [2] because of his or her job. His or her testimony is to  
 [3] be evaluated in the same way as you would that of any  
 [4] other witness. Would you be able to accept and follow  
 [5] that instruction?

[6] **A.** Yes.

[7] **Q.** Any doubt in your mind?

[8] **A.** No.

[9] **Q.** If you were selected to serve on this jury,  
 [10] would you give both sides, the defendant and the  
 [11] Commonwealth, a fair trial?

[12] **A.** Yes.

[13] **THE COURT:** All right, ma'am. If you  
 [14] would wait on the other side of the exit  
 [15] door. Be with you momentarily.

[16] **PROSPECTIVE JUROR:** All right. Thank  
 [17] you.

[18] (The prospective juror departed the  
 [19] courtroom.)

[20] **THE COURT:** Let me see the two of you  
 [21] for a second.

[22] (Sidebar discussion off the record.)

[23] **THE COURT:** Ms. Baraldi or Mr. Giuliani,  
 [24] do either one of you have any follow-up  
 [25] questions?

[1] COMMONWEALTH VS. JOHN IN

[2] **A.** Yes.

[3] **Q.** The question, do you have any physical or  
 [4] psychological disability, you checked "yes".

[5] **A.** Yes. Physically, I have back and nerve  
 [6] damage in my lower back and if I sit, stand or walk too  
 [7] long, it becomes very uncomfortable for me.

[8] **THE COURT:** Give me a moment, sir. Wait  
 [9] on the other side of the door. We'll be  
 [10] right with you.

[11] **MR. GIULIANI:** Motion for cause, Your  
 [12] Honor.

[13] **THE COURT:** Don't everybody speak at the  
 [14] same time. Defense cause granted.

[15] He had said "medication makes me drowsy,  
 [16] nauseous." I granted his cause.

[17] **THE COURT CRIER:** State your name for  
 [18] us.

[19] **PROSPECTIVE JUROR:** J. Jenkins Carter.

[20] ---

[21] . . . J. JENKINS CARTER, having  
 [22] been duly sworn, was examined and testified

[23] **as follows:**

[24] ---

[25] EXAMINATION

[1] COMMONWEALTH VS. JOHN IN  
 [2] **MS. BARALDI:** No, Your Honor.  
 [3] **MR. GIULIANI:** No, Your Honor.  
 [4] **THE COURT:** Her hardship is denied.  
 [5] **THE COURT CRIER:** State your name for

us.

[6] **PROSPECTIVE JUROR:** Anthony Toliver.

[7] ---

[8] . . . ANTHONY TOLIVER, having  
 [9] been duly sworn, was examined and testified  
 [10] **as follows:**

[11] ---

[12] EXAMINATION

[13] ---

[14] **BY THE COURT:**

[15] **Q.** Mr. Toliver, are you presently taking any  
 [16] medication that might interfere with or prevent you  
 [17] from serving as a juror?

[18] **A.** I am.

[19] **Q.** Sorry.

[20] **A.** I am.

[21] **Q.** What effect does the medication have on you?

[22] **A.** Makes me drowsy, sometimes nauseous.

[23] **Q.** You checked off that you are disabled,

[24] correct?

[1] COMMONWEALTH VS. JOHN IN

[2] ---

[3] **BY THE COURT:**

[4] **Q.** Good afternoon.

[5] **A.** Hello.

[6] **Q.** Tell us what you do for a living.

[7] **A.** I stay at home, keep my grandkids when  
 [8] they're there. I live by myself.

[9] **Q.** Did you ever work outside of the home?

[10] **A.** Yes.

[11] **Q.** What kind of work did you last do?

[12] **A.** I worked at hotel housekeeping, worked at a  
 [13] health facility keeping the elderly. I worked at  
 [14] several restaurants as a cook.

[15] **Q.** How long ago was it that you last worked  
 [16] outside the home?

[17] **A.** Last time, twenty-five years ago.

[18] **Q.** Have you ever served on a jury?

[19] **A.** Yes.

[20] **Q.** How long ago was it that you last served?

[21] **A.** I guess about four or five years ago.

[22] **Q.** Civil or criminal case?

[23] **A.** Criminal.

[24] **Q.** Have you or anyone close to you ever been  
 [25] the victim of a crime, ma'am?

[1] COMMONWEALTH VS. JOHN IN  
 [2] A. Yes, ma'am.  
 [3] Q. What relationship is that person to you?  
 [4] A. My nephew.  
 [5] Q. What happened to your nephew?  
 [6] A. Well, he was jumped and beat up and robbed.  
 [7] Q. How long ago was that?  
 [8] A. About, I guess about five years ago.  
 [9] Q. Did he report it?  
 [10] A. Yeah, he reported it.  
 [11] Q. Was anyone arrested?  
 [12] A. No.  
 [13] Q. Was there anything about that case which  
 [14] would affect your ability to be a fair juror in this  
 [15] case?  
 [16] A. No.  
 [17] Q. You checked off that you or someone close to  
 [18] you was arrested and charged with a crime?  
 [19] A. Yes.  
 [20] Q. What relationship is that person to you?  
 [21] A. A nephew.  
 [22] Q. Same or different nephew?  
 [23] A. Different.  
 [24] Q. What was this nephew charged with?  
 [25] A. I'm not sure.

[1] COMMONWEALTH VS. JOHN IN  
 [2] twenty years ago. That was the last job I had.  
 [3] Q. The fact you worked in law enforcement  
 [4] twenty years ago, would that affect your ability to be  
 [5] a fair juror in this case?  
 [6] A. No.  
 [7] Q. If you were selected to serve on this jury,  
 [8] would you give both sides, the defendant and the  
 [9] Commonwealth, a fair trial?  
 [10] A. Yes.  
 [11] **THE COURT:** Thank you, ma'am. Wait on  
 [12] the other side of the exit door. Be right  
 [13] with you.  
 [14] (The prospective juror departed the  
 [15] courtroom.)  
 [16] **THE COURT CRIER:** State your name for  
 [17] us.  
 [18] **PROSPECTIVE JUROR:** Rochelle Workman.  
 [19] ---  
 [20] ... ROCHELLE WORKMAN, having  
 [21] been duly sworn, was examined and testified  
 [22] **as follows:**  
 [23] ---  
 [24] EXAMINATION  
 [25] ---

[1] COMMONWEALTH VS. JOHN IN  
 [2] Q. What he was charged with?  
 [3] A. He's grown. I think he's in a halfway house  
 [4] now. I'm not sure.  
 [5] Q. Do you recall how long ago he was arrested?  
 [6] A. In and out of jail so much, I guess about  
 [7] two years, year and a half.  
 [8] Q. Do you know if his case went to trial?  
 [9] A. No, we don't keep that much in touch. I  
 [10] don't know.  
 [11] Q. Is there anything about that case which  
 [12] would affect your ability to be a fair juror in this  
 [13] case?  
 [14] A. No.  
 [15] Q. You know people in law enforcement?  
 [16] A. No.  
 [17] Q. Have you or anyone close to you ever worked  
 [18] as a police officer or any other law enforcement job  
 [19] such as a prosecutor, public defender, defense lawyer,  
 [20] detective, prison guard, security guard or corrections  
 [21] officer?  
 [22] A. That one job, I forgot I worked as a  
 [23] security guard.  
 [24] Q. About how many years is that?  
 [25] A. I worked outside the home. That was about

[1] COMMONWEALTH VS. JOHN IN  
 [2] A. Ever been a victim?  
 [3] Q. Yes.  
 [4] A. No, that's not a mistake. Yes, that's a  
 [5] mistake.  
 [6] Q. The next question is have you or anyone  
 [7] close to you ever been arrested or charged with a  
 [8] crime?  
 [9] A. Yes.  
 [10] Q. What relationships are the people to you?  
 [11] A. My son.  
 [12] Q. What was your son charged with?  
 [13] A. Stealing a car.  
 [14] Q. How long ago was that?  
 [15] A. He was seventeen.  
 [16] Q. How long ago was that?  
 [17] A. When he was 17 -- he's 29 now.  
 [18] Q. Did you attend the proceedings?  
 [19] A. Yes.  
 [20] Q. Do you have an opinion to whether he was  
 [21] treated fair or unfair?  
 [22] A. He was treated fair.  
 [23] Q. Anything about that case which would affect  
 [24] your ability to be a fair juror in this case?  
 [25] A. No.

[1] COMMONWEALTH VS. JOHN IN  
 [2] Q. You know people in law enforcement?  
 [3] A. Yes.  
 [4] Q. What relationship are they to you?  
 [5] A. My fiance is a detective.  
 [6] Q. And what division or unit does he work out  
 [7] of?  
 [8] A. He's one of the commissioner drivers.  
 [9] Q. Would the fact that you know people in law  
 [10] enforcement, would that affect your ability to be a  
 [11] fair juror in this case?  
 [12] A. No.  
 [13] Q. You know any of the police officers named on  
 [14] this list?  
 [15] A. No.  
 [16] Q. What is your fiance's name?  
 [17] A. Raymond Felder.  
 [18] Q. Felder?  
 [19] A. Felder.  
 [20] Q. If you were selected to serve on this jury,  
 [21] would you give both sides, the defendant and the  
 [22] Commonwealth, a fair trial?  
 [23] A. Yes.  
 [24] **THE COURT:** Wait for us on the other  
 [25] side of the exit door. We'll be right with

[1] COMMONWEALTH VS. JOHN IN  
 [2] you.  
 [3] (The prospective juror departed the  
 [4] courtroom.)  
 [5] **THE COURT:** Counsel, follow-up  
 [6] questions?  
 [7] **MR. GIULIANI:** No, Your Honor.  
 [8] **MS. BARALDI:** No, Your Honor.  
 [9] **THE COURT:** Let the record reflect we  
 [10] already addressed number 30. Mr. Dafino  
 [11] pointed out she was removed for cause.  
 [12] **THE COURT CRIER:** Sir, state your name  
 [13] for us.  
 [14] **PROSPECTIVE JUROR:** Eugene Williams.  
 [15] ---  
 [16] ... EUGENE WILLIAMS, having  
 [17] been duly sworn, was examined and testified  
 [18] **as follows:**  
 [19] ---  
 [20] EXAMINATION  
 [21] ---  
 [22] **BY THE COURT:**  
 [23] Q. Mr. Williams, tell us what you do for a  
 [24] living, sir.  
 [25] A. I'm a line chef.

[1] COMMONWEALTH VS. JOHN IN  
 [2] Q. Do you work in a restaurant or some other  
 [3] facility?  
 [4] A. I work in a restaurant.  
 [5] Q. How long have you been a line chef?  
 [6] A. About twenty-six years.  
 [7] Q. Have you or anyone close to you ever been  
 [8] the victim of a crime?  
 [9] A. Yes. I believe so, yes.  
 [10] Q. What relationship is that person or those  
 [11] persons to you?  
 [12] A. My brother.  
 [13] Q. What happened to your brother?  
 [14] A. He was murdered.  
 [15] Q. Sorry to hear that. How long ago was that?  
 [16] A. Roughly, I don't know. About 20 years.  
 [17] Q. Was anyone arrested for it to the best of  
 [18] your knowledge?  
 [19] A. I don't know if they were ever caught and  
 [20] captured.  
 [21] Q. Did it happen here in Philadelphia?  
 [22] A. Yes, sir.  
 [23] Q. Is there anything about that case which  
 [24] would affect your ability to be a fair juror in this  
 [25] case?

[1] COMMONWEALTH VS. JOHN IN  
 [2] A. I don't think so.  
 [3] Q. You or anyone close to you ever been  
 [4] arrested or charged with a crime?  
 [5] A. Yes, my brother has been arrested before.  
 [6] Q. Is this a different brother?  
 [7] A. Yes.  
 [8] Q. That was arrested?  
 [9] A. Yes.  
 [10] Q. What was he arrested for?  
 [11] A. Assault.  
 [12] Q. Did you attend his trial?  
 [13] A. Yes.  
 [14] Q. Do you have an opinion to whether he was  
 [15] treated fair or unfair?  
 [16] A. I believe it was fair.  
 [17] Q. Is there anything about that case which  
 [18] would affect your ability to be a fair juror in this  
 [19] case?  
 [20] A. No, Your Honor.  
 [21] Q. Would you be less likely to believe the  
 [22] testimony of a police officer or other law enforcement  
 [23] agent just because of his or her job?  
 [24] A. Repeat that, please.  
 [25] Q. Would you be less likely to believe the

[1] COMMONWEALTH VS. JOHN IN  
 [2] testimony of a police officer or other law enforcement  
 [3] agent just because of his or her job?  
 [4] A. Not really.  
 [5] Q. You checked "yes" on the form. Why did you  
 [6] check yes?  
 [7] A. I don't know. The question seemed a bit  
 [8] confusing to me. I believe just because he's a police  
 [9] officer, would I be more inclined to believe they're  
 [10] telling the truth?  
 [11] Q. Just the opposite. The question -- listen.  
 [12] Would you be less likely to believe the testimony of a  
 [13] police officer or other law enforcement officer just  
 [14] because of his or her job?  
 [15] A. No.  
 [16] Q. Would you be more likely to believe the  
 [17] testimony of a police officer or other law enforcement  
 [18] officer just because of his or her job?  
 [19] A. Yes.  
 [20] Q. You would?  
 [21] A. I think so because of their position.  
 [22] Q. Earlier this morning I gave you and your  
 [23] fellow jurors the following instruction. You may give  
 [24] no greater or lesser weight to the testimony of a  
 [25] police officer or other law enforcement agent simply

[1] COMMONWEALTH VS. JOHN IN  
 [2] because of his or her job. Would you accept and follow  
 [3] that instruction?  
 [4] A. I don't think I understood the question.  
**THE COURT:** Can you give us one moment,  
 [6] sir. Can you wait on the other side of the  
 [7] door. We'll be right with you.  
 [8] (The prospective juror departed the  
 [9] courtroom.)  
**THE COURT:** May I see the attorneys for  
 [11] a second.  
 [12] (Sidebar discussion off the record.)  
**THE COURT:** Counsel.  
**MS. BARALDI:** Your Honor, Commonwealth  
 [15] has a motion for cause.  
**MR. GIULIANI:** No objection, Your Honor.  
**THE COURT:** Motion granted.  
**THE COURT CRIER:** Please state your name  
 [19] for us.  
**PROSPECTIVE JUROR:** Jennifer Larmour.  
 [21] ---  
 [22] . . . JENNIFER LARMOUR, having  
 [23] been duly sworn, was examined and testified  
 [24] as follows:  
 [25] ---

[1] COMMONWEALTH VS. JOHN IN  
 [2] EXAMINATION  
 [3] ---  
**BY THE COURT:**  
 [5] Q. Ms. Larmour, what do you do for a living?  
 [6] A. General manager of a WaWa.  
 [7] Q. How long have you been in that job?  
 [8] A. Eleven years.  
 [9] Q. Would you be less likely to believe the  
 [10] testimony of a police officer or other law enforcement  
 [11] officer just because of his or her job?  
 [12] A. Yes.  
 [13] Q. Why is that?  
 [14] A. Watch a lot of them.  
 [15] Q. Sorry.  
 [16] A. I -- I watch a lot of Law and Order. I  
 [17] think police lie sometimes.  
 [18] Q. The question isn't whether police officers  
 [19] lie sometimes. The question is whether you have  
 [20] preconceived notions that a police officer, by virtue  
 [21] of his position, is inclined to lie. So why didn't you  
 [22] check -- let me ask this question. Would you be more  
 [23] likely to believe the testimony of a law enforcement  
 [24] police officer or other law enforcement agent just  
 [25] because of his or her job?

[1] COMMONWEALTH VS. JOHN IN  
 [2] A. No.  
 [3] Q. You would be less likely to believe the  
 [4] testimony of -- you watch a lot of Law and Order?  
 [5] A. I guess.  
 [6] Q. You feel that way as you sit here now?  
 [7] A. Yes.  
 [8] Q. Did you have a hardship?  
 [9] A. Yes.  
 [10] Q. What was your hardship?  
 [11] A. I'm a single mother, full-time student, and  
 [12] I run a business. So if I had to be here, when I leave  
 [13] here I have to go to work, take my two-year-old with me  
 [14] or don't see her for three days because I have to find  
 [15] someone to watch her.  
 [16] **THE COURT CRIER:** Give us a moment,  
 [17] ma'am. Wait for us on the other side of the  
 [18] door. We'll be right with you.  
 (Prospective juror departed the  
 [20] courtroom.)  
 [21] (Sidebar discussion off the record.)  
 [22] (The prospective juror was brought into  
 [23] the courtroom.)  
 [24] **BY THE COURT:**  
 [25] Q. Can you hear me from where you are?

[1] COMMONWEALTH VS. JOHN IN  
 [2] ---  
 [3] **BY THE COURT:**  
 [4] Q. Mr. Palmer, good afternoon, sir.  
 [5] A. Good afternoon.  
 [6] Q. Tell us what you do for a living.  
 [7] Mr. Palmer.  
 [8] A. Custodial assistant at a school.  
 [9] Q. How long have you been a custodial  
 [10] assistant?  
 [11] A. Since seventeen months.  
 [12] Q. How long, what kind of work did you do  
 [13] before that?  
 [14] A. I worked at Saladworks in Wynnewood.  
 [15] Q. Say that again.  
 [16] A. I worked at Saladworks in Wynnewood.  
 [17] Q. How long were you there?  
 [18] A. Five years.  
 [19] Q. Have you or anyone close to you, Mr. Palmer,  
 [20] ever been arrested or charged with a crime?  
 [21] A. Yes, I have.  
 [22] Q. What were you charged with, sir?  
 [23] A. Possession.  
 [24] Q. Possession of a controlled substance?  
 [25] A. Yes, sir.

[1] COMMONWEALTH VS. JOHN IN  
 [2] A. Yes.  
 [3] Q. You're a student?  
 [4] A. Yes.  
 [5] Q. What are you studying?  
 [6] A. Human resources and business at Engatla.  
 [7] Q. Full-time?  
 [8] A. I'm full-time.  
**THE COURT:** Thank you.  
 (The prospective juror departed the  
 [11] courtroom.)  
 [12] **MR. GIULIANI:** I have a motion.  
 [13] **THE COURT:** Any objection to her  
 [14] hardship?  
 [15] **MS. BARALDI:** No objection.  
 [16] **THE COURT:** Motion is granted.  
 [17] **THE COURT CRIER:** State your name for  
 [18] us.  
**PROSPECTIVE JUROR:** Floyd Palmer.  
 [20] ---  
 [21] . . . FLOYD PALMER, having  
 [22] been duly sworn, was examined and testified  
 [23] **as follows:**  
 [24] ---  
 [25] EXAMINATION

[1] COMMONWEALTH VS. JOHN IN

[2] - - -

[3] **BY THE COURT:**

[4] **Q.** Good afternoon, sir.

[5] **A.** How you doing?

[6] **Q.** Mr. Thomas. Is that right?

[7] **A.** Yes.

[8] **Q.** Tell us what you do for a living.

[9] **A.** Stylist.

[10] **Q.** What kind of facility do you work with?

[11] **A.** Hair salon.

[12] **Q.** You've been a stylist now for how long?

[13] **A.** Eleven years.

[14] **Q.** You or someone close to you, sir, was the [15] victim of a crime?

[16] **A.** Me and a couple people close to me.

[17] **Q.** Did you say you were the victim of a crime?

[18] **A.** Yes.

[19] **Q.** What happened to you?

[20] **A.** I got stabbed.

[21] **Q.** Say it again.

[22] **A.** I got stabbed.

[23] **Q.** How long ago?

[24] **A.** Three years ago.

[25] **Q.** Did you know your assailant?

[1] COMMONWEALTH VS. JOHN IN

[2] **A.** Uh-uh.

[3] **Q.** Sorry.

[4] **A.** No.

[5] **Q.** Did you report it?

[6] **A.** Yeah.

[7] **Q.** Was anyone arrested?

[8] **A.** Yes.

[9] **Q.** Is there anything about that incident which [10] would affect your ability to be a fair juror in this [11] case?

[12] **A.** No.

[13] **Q.** Did you say someone else close to you was [14] also a victim of a crime?

[15] **A.** Uh-huh.

[16] **Q.** Yes?

[17] **A.** Yes.

[18] **Q.** What is the relationship of this person or [19] persons to you?

[20] **A.** My sister.

[21] **Q.** What happened to your sister, sir?

[22] **A.** She got shot in the crossfire.

[23] **Q.** Sorry to hear that. She survived the [24] shooting?

[25] **A.** She survived.

[1] COMMONWEALTH VS. JOHN IN

[2] **Q.** How long ago was that?

[3] **A.** Like four, five years ago.

[4] **Q.** Was anyone arrested?

[5] **A.** Not sure.

[6] **Q.** Is there anything about that incident which [7] would affect your ability to be a fair juror in this [8] case?

[9] **A.** No.

[10] **Q.** You also checked off that you or someone [11] close to you was arrested or charged with a crime, [12] correct?

[13] **A.** Yes.

[14] **Q.** What relationship was that person or those [15] persons to you?

[16] **A.** My brother.

[17] **Q.** What was your brother charged with?

[18] **A.** Possession of a gun and drugs.

[19] **Q.** Did his case go to trial?

[20] **A.** Yes.

[21] **Q.** How long ago?

[22] **A.** Well, he just got out. He did four years.

[23] **Q.** Did you attend his trial?

[24] **A.** No.

[25] **Q.** Do you have an opinion to whether he was

[1] COMMONWEALTH VS. JOHN IN

[2] treated fair or unfair?

[3] **A.** I mean, I guess unfair.

[4] **Q.** Sorry?

[5] **A.** Unfair.

[6] **Q.** Would that affect your ability to be a fair [7] juror in this case?

[8] **A.** No.

[9] **Q.** Why do you say unfair?

[10] **A.** Because everything they find, didn't find [11] it on him, but they still charged him with it.

[12] **Q.** You understand that -- well, let me ask you [13] directly, sir. Was that here in Philadelphia or [14] someplace else?

[15] **A.** Philadelphia.

[16] **Q.** You understand that if this case was tried [17] in Philadelphia, the prosecuting authority on behalf of [18] the Commonwealth would be the same authority that's [19] prosecuting this case, which is the District Attorney?

[20] Is that clear to you?

[21] **A.** Okay.

[22] **Q.** Understanding that, would that affect your [23] ability to give the Commonwealth a fair trial in this [24] case?

[25] **A.** Probably so.

[1] COMMONWEALTH VS. JOHN IN

[2] Q. You think so?

[3] A. Yeah.

[4] **THE COURT:** Give me a moment, sir. If

[5] you wait on the other side of the door, we'll  
[6] be right with you.

[7] (The prospective juror departed the  
[8] courtroom.)

[9] **THE COURT:** All right.

[10] **MS. BARALDI:** I have a motion for cause.

[11] **THE COURT:** Motion granted.

[12] **THE COURT CRIER:** State your name for  
[13] us.

[14] **PROSPECTIVE JUROR:** Melody Johnson.

[15] ---

[16] . . . MELODY JOHNSON, having

[17] been duly sworn, was examined and testified

[18] **as follows:**

[19] ---

[20] EXAMINATION

[21] ---

[22] **BY THE COURT:**

[23] Q. Say that one more time, please.

[24] A. Melody Johnson.

[25] Q. Ms. Johnson.

[1] COMMONWEALTH VS. JOHN IN

[2] A. Yes.

[3] **THE COURT:** Ms. Johnson, would you

[4] indulge me for one moment. Step inside the  
[5] room for a second, we'll be right with you.

[6] (Prospective juror departed the

[7] courtroom and returned after a short break.)

[8] **BY THE COURT:**

[9] Q. Thank you for your patience. Ms. Johnson,  
[10] it says here that you're a student?

[11] A. Yes.

[12] Q. Full-time or part-time?

[13] A. Full-time.

[14] Q. When do you start classes?

[15] A. What time?

[16] Q. When.

[17] A. When?

[18] Q. When does the semester start for you?

[19] A. I'm at Empire. I'm in trade school, beauty  
[20] school.

[21] Q. Say it again.

[22] A. A trade school, Empire Beauty School.

[23] Q. Are you in class now?

[24] A. Uh-huh.

[25] Q. When did your semester start?

[1] COMMONWEALTH VS. JOHN IN

[2] A. It started in October 8th.

[3] Q. You start next month?

[4] A. I started last year. It's still an

[5] hourly-based school.

[6] Q. Okay. Let me set that aside just for a  
[7] second and ask a couple different questions. Do you  
[8] have any religious, moral or ethical beliefs that would  
[9] prevent you from sitting in judgment in a criminal case  
[10] and rendering a fair verdict?

[11] A. My family is Jehovah's Witness. I don't  
[12] believe another man can judge another man.

[13] Q. That's because you are?

[14] A. Jehovah's Witness.

[15] Q. This would be a religious belief?

[16] A. Yes.

[17] **THE COURT:** Give us a moment, ma'am.  
[18] Wait on the other side of the exit door.  
[19] We'll be right with you.

[20] (The prospective juror departed the  
[21] courtroom.)

[22] **THE COURT:** Do either of you wish to  
[23] follow up?

[24] **MS. BARALDI:** No, Your Honor.

[25] **MR. GIULIANI:** No, Your Honor.

[1] COMMONWEALTH VS. JOHN IN

[2] : Motion for cause, please.

[3] **THE COURT:** Granted.

[4] **THE COURT CRIER:** State your name for  
[5] us.

[6] **PROSPECTIVE JUROR:** Jane Koons.

[7] ---

[8] . . . JANE KOONS, having

[9] been duly sworn, was examined and testified

[10] **as follows:**

[11] ---

[12] EXAMINATION

[13] ---

[14] **BY THE COURT:**

[15] Q. Ma'am, do not tell us your home address. I  
[16] do not even want to know the street that you live on,  
[17] but in what section of our city do you live?

[18] A. South Philly.

[19] Q. You lived in that section of the city for  
[20] more than ten years?

[21] A. Yes.

[22] Q. Have you ever served on a jury before?

[23] A. No.

[24] Q. If you were selected to serve on this jury,  
[25] would you give both sides, the defendant and the

[1] COMMONWEALTH VS. JOHN IN

[2] Commonwealth, a fair trial?

[3] A. Yes.

[4] Q. What kind of work do you do for a living?

[5] A. I work for the federal government, clerical  
[6] work.

[7] Q. How long have you been a clerk?

[8] A. Twenty-one years.

[9] **THE COURT:** If you'd wait on the other  
[10] side of that door to your right, we'll be  
[11] right with you.

[12] **THE COURT:** Juror No. 10.

[13] **THE COURT CRIER:** State your name for  
[14] us.

[15] **PROSPECTIVE JUROR:** Steve Latney.

[16] ---

[17] ... STEVE LATNEY, having  
[18] been duly sworn, was examined and testified

[19] **as follows:**

[20] ---

[21] EXAMINATION

[22] ---

[23] **BY THE COURT:**

[24] Q. Mr. Latney, good afternoon, sir.

[25] A. How you doing, Your Honor?

[1] COMMONWEALTH VS. JOHN IN

[2] Q. You've been in this line of work for how  
[3] long?

[4] A. This one, just about a year and a few  
[5] months.

[6] Q. What kind of work did you do before that?

[7] A. I was in child welfare for about fifteen  
[8] years, social work, child welfare.

[9] Q. What agency did you work for?

[10] A. Children's Choice, and also Juvenile Justice  
[11] Center.

[12] Q. You are a social worker by training,  
[13] correct?

[14] A. Yes.

[15] Q. Have you ever served on a jury before?

[16] A. Three times.

[17] Q. How long ago was it that you last served?

[18] A. Excuse me.

[19] Q. How long ago was it that you last served?

[20] A. I think it was maybe 2004.

[21] Q. Was that a civil or criminal case?

[22] A. It was a criminal case.

[23] Q. Have you or anyone close to you ever been  
[24] the victim of a crime?

[25] A. Not recently, no.

[1] COMMONWEALTH VS. JOHN IN

[2] Q. Tell us what you do for a living.

[3] A. Right now I'm a case manager for a

[4] Philadelphia health maintenance corporation. I deal  
[5] with individuals who are incarcerated on State Road, in  
[6] order to get them early sentence, help them get into  
[7] rehabilitation programs, help them complete it.

[8] Q. In your capacity, do you work inside the  
[9] prison?

[10] A. No.

[11] Q. When do you see the people that you service?

[12] A. The Defender Association will make referrals  
[13] to our company. We see them after they're already  
[14] released. Either on their way to a drug treatment the  
[15] program sheriff brings them directly from prison or  
[16] already been released home. The client, that's when I  
[17] call them at their house. But they're already released  
[18] from incarceration.

[19] Q. Now you identified the population you work  
[20] with. What kind of service do you provide them again?

[21] A. I help them to get them into drug treatment  
[22] programs, whether it be inpatient -- what happens they  
[23] get evaluated. It will be determined whether they need  
[24] inpatient treatment or handled with an outpatient  
[25] setting.

[1] COMMONWEALTH VS. JOHN IN

[1] COMMONWEALTH VS. JOHN IN

[2] Q. How long ago was the person victimized that  
[3] you checked "yes" on the form?

[4] A. I was a child. We had a home break-in. I  
[5] was like nine, ten years old.

[6] Q. It was a burglary?

[7] A. Yes.

[8] Q. Was anyone in your house harmed physically?

[9] A. No. We were at all at a Cub Scout meeting,  
[10] came home and saw the home had been broken into, just a  
[11] few things taken.

[12] Q. Is there anything about that incident which  
[13] would affect your ability to be a fair juror in this  
[14] case?

[15] A. No.

[16] Q. I'm going to ask that, sir, whether or not  
[17] your present job as you've described it to us, would  
[18] affect your ability to be a fair juror in this case?

[19] A. I don't think so, no.

[20] Q. When you say you don't think so, is that a  
[21] figure of speech? Do you have some doubt about your  
[22] ability to be fair?

[23] A. Sorry, I mean no. Definitely not have any.

[24] Q. If you were selected to serve on this jury,  
[25] would you give both sides, the defendant and the

[1] COMMONWEALTH VS. JOHN IN

[2] Commonwealth, a fair trial?

[3] A. Absolutely, yes.

[4] THE COURT: If you'd be so kind,  
[5] Mr. Latney, to wait on the other side of the  
[6] exit door to your right. We'll be right  
[7] with you.

[8] (The prospective juror departed the  
[9] courtroom.)

[10] THE COURT CRIER: State your name for  
[11] us.

[12] PROSPECTIVE JUROR: Vanessa V. Herrera.

[13] ---

[14] ... VANESSA V. HERRERA, having  
[15] been duly sworn, was examined and testified

[16] as follows:

[17] ---

[18] EXAMINATION

[19] ---

[20] BY THE COURT:

[21] Q. Tell us what you do for a living.

[22] A. Client services associate at an IT company.

[23] Q. You've been in that role now for how long?

[24] A. Little over a year.

[25] Q. What did you do before then?

[1] COMMONWEALTH VS. JOHN IN

[2] A. I was a mutual funds specialist at Vanguard.

[3] Q. How long had you been with Vanguard?

[4] A. Two years.

[5] Q. Have you ever served on a jury before?

[6] A. Yes.

[7] Q. How long ago?

[8] A. I believe it was two or three years ago.

[9] Q. Civil or criminal case?

[10] A. Civil.

[11] Q. You or someone close to you was a victim of  
[12] a crime?

[13] A. Yes.

[14] Q. What relationship is this person to you?

[15] A. My father.

[16] Q. What happened to your father?

[17] A. He was stabbed randomly.

[18] Q. Sorry.

[19] A. He was stabbed.

[20] Q. Did he recover?

[21] A. Yes, he did.

[22] Q. Was anyone arrested?

[23] A. I don't believe so.

[24] Q. Is there anything about that case which  
[25] would affect your ability to be a fair juror in this

[1] COMMONWEALTH VS. JOHN IN

[2] case?

[3] A. No.

[4] Q. You or someone close to you were arrested  
[5] and charged with a crime?

[6] A. I have cousins that have been arrested and  
[7] my husband was arrested.

[8] Q. What was your husband charged with?

[9] A. Honestly I don't know. Long time ago before  
[10] I met him. He was a teen.

[11] Q. Charged with what?

[12] A. Honestly I don't know.

[13] Q. You don't know? Before you met him?

[14] A. Uh-huh.

[15] Q. But you know he was arrested?

[16] A. Yes.

[17] Q. Do you know what area it was in?

[18] A. I think it was Montgomery County.

[19] Q. Is there anything about that which would  
[20] affect your ability to be a fair juror in this case?

[21] A. No.

[22] Q. How many cousins were arrested?

[23] A. Two.

[24] Q. What were they charged with?

[25] A. I believe it was drug-selling I believe.

[1] COMMONWEALTH VS. JOHN IN

[2] Q. In both cases?

[3] A. Yes, they're brothers.

[4] Q. Do you know if those drug cases were in  
[5] Philadelphia or someplace else?

[6] A. Philadelphia.

[7] Q. You say there were others or other arrests?

[8] A. No, they were brothers.

[9] Q. Brothers, okay. Is there anything about  
[10] your cousins' cases that would affect your ability to

[11] be a fair juror in this case?

[12] A. No.

[13] Q. If you were selected to serve on this jury,  
[14] would you give both sides, the defendant and the

[15] Commonwealth, a fair trial?

[16] A. Yes.

[17] THE COURT: Thank you, ma'am. Wait on  
[18] other side of the exit door to your right.

[19] Be with you shortly.

[20] (The prospective juror departed the  
[21] courtroom.)

[22] THE COURT CRIER: State your name for  
[23] us.

[24] PROSPECTIVE JUROR: Sherri Horsey.

[25] ---

[1] COMMONWEALTH VS. JOHN IN

[2] . . . SHERRI HORSEY, having

[3] been duly sworn, was examined and testified

[4] **as follows:**

[5] - - -

[6] EXAMINATION

[7] - - -

[8] **BY THE COURT:**

[9] **Q.** Ms. Horsey, what do you do for a living,

[10] please?

[11] **A.** HR assistant at the Public Defender's

[12] Office.

[13] **Q.** Where?

[14] **A.** The Defender's Association of Philadelphia.

[15] **Q.** How long have you worked for them?

[16] **A.** Twenty years.

[17] **Q.** Have you ever served on a jury before?

[18] **A.** Yes.

[19] **Q.** How long ago?

[20] **A.** Seven, eight years ago.

[21] **Q.** Civil or criminal case?

[22] **A.** Civil.

[23] **Q.** You or someone close to you was a victim of

[24] a crime?

[25] **A.** Yes.

[1] COMMONWEALTH VS. JOHN IN

[2] **Q.** What relationship is that person or persons  
[3] to you?

[4] **A.** Daughter.

[5] **Q.** What happened to your daughter?

[6] **A.** She was raped.

[7] **Q.** Sorry to hear that. How old was she?

[8] **A.** Twelve.

[9] **Q.** Did she know her assailant?

[10] **A.** Yes.

[11] **Q.** Was anyone arrested?

[12] **A.** Yes.

[13] **Q.** Is there anything about that case which

[14] would affect your ability to be a fair juror in this  
[15] case?

[16] **A.** No.

[17] **Q.** You also checked off that you or someone  
[18] close to you was arrested and charged with a crime?

[19] **A.** Yes.

[20] **Q.** What relationship is that person or those  
[21] persons to you?

[22] **A.** Brother.

[23] **Q.** What was your brother charged with?

[24] **A.** Several offenses.

[25] **Q.** Most recently?

[1] COMMONWEALTH VS. JOHN IN

[2] **A.** Narcotics.

[3] **Q.** And was that here in Philadelphia?

[4] **A.** Yes.

[5] **Q.** Did you attend his trial?

[6] **A.** Yes.

[7] **Q.** Do you have an opinion to whether he was  
[8] treated fair or unfair?

[9] **A.** I believe it was fair.

[10] **Q.** Is there anything about his case or any of  
[11] his cases which would affect your ability to be a fair  
[12] juror in this case?

[13] **A.** No.

[14] **Q.** You checked off that you know people in law  
[15] enforcement.

[16] **A.** Yes.

[17] **Q.** Who were you referring to?

[18] **A.** My fiance.

[19] **Q.** What does your fiance do?

[20] **A.** He's a police officer.

[21] **Q.** The fact that you know a person in law  
[22] enforcement, would that in any way affect your ability  
[23] to be a fair juror?

[24] **A.** No, it does not.

[25] **Q.** You also told us earlier that you work for

[1] COMMONWEALTH VS. JOHN IN

[2] the Defender's Association, correct?

[3] **A.** Yes.

[4] **Q.** So you know attorneys and investigators  
[5] associated with that agency?

[6] **A.** Yes.

[7] **Q.** Would that fact of your employment and  
[8] associates, would that affect your ability to be a fair  
[9] juror in this case?

[10] **A.** No.

[11] **Q.** If you were selected to serve on this jury,  
[12] would you be able to give both sides, the defendant and  
[13] the Commonwealth, a fair trial?

[14] **A.** Yes.

**THE COURT:** If you wait for us on the  
other side of the exit door to your right,  
Ms. Horsey, be right with you.

**PROSPECTIVE JUROR:** May I ask you a  
question?

**THE COURT:** Yes.

**PROSPECTIVE JUROR:** I saw a gentleman  
out in the hallway with the rest of the  
people -- I don't know if they were officers  
or family members. A gentleman, Carl, that I  
had grew up with, I don't know if he's

[1] COMMONWEALTH VS. JOHN IN  
 [2] involved in this particular case or if that  
 [3] would have an effect on my ability to serve  
 [4] in this case.

[5] **THE COURT:** Someone in the corridor that  
 [6] you know?

[7] **PROSPECTIVE JUROR:** Yes.

[8] **THE COURT:** What's his name?

[9] **PROSPECTIVE JUROR:** His name is Carl.

[10] I've known him since I was a young girl.

[11] **THE COURT:** You know the last name?

[12] **PROSPECTIVE JUROR:** No, I don't.

[13] **THE COURT:** The question is?

[14] **PROSPECTIVE JUROR:** I don't know what  
 [15] capacity he is but he was outside with the  
 [16] rest of the officers so I didn't want to ask  
 [17] him. They were kind of talking so I didn't  
 [18] interrupt.

[19] **THE COURT:** Could you give us a moment?  
 [20] Wait in the anteroom to your right.

[21] (The prospective juror departed the  
 [22] courtroom.)

[23] **THE COURT:** Either of you have a sense  
 [24] as to who she's referring to?

[25] **MS. BARALDI:** Your Honor, the only thing

[1] COMMONWEALTH VS. JOHN IN  
 [2] I can think of, there are a number of police  
 [3] officers on this case who are also subpoenaed  
 [4] for John In in other matters, who have been  
 [5] hanging around. I know there's no police  
 [6] officer by the first name of Carl on the case  
 [7] we're talking about right now.

[8] **MR. GIULIANI:** Did she identify the  
 [9] individual as the police officer she knows?

[10] **THE COURT:** She didn't know whether he  
 [11] was a police officer. Said she saw him  
 [12] speaking with police officers.

[13] **MR. GIULIANI:** I don't think that's any  
 [14] problem, Your Honor.

[15] **THE COURT:** Would you go outside and ask  
 [16] if there is anyone in the corridor whose  
 [17] first name is Carl?

[18] Say, please come over and speak to me,  
 [19] meaning you. Then just get his or her last  
 [20] name and description.

[21] (Pause.)

[22] **THE COURT:** Nobody's there?

[23] **THE COURT CRIER:** No.

[24] **THE COURT:** Counsel, how do you wish to  
 [25] handle this?

[1] COMMONWEALTH VS. JOHN IN  
 [2] **MR. GIULIANI:** Since no one is obviously  
 [3] on the witness list by that name, I don't see  
 [4] that there's any problem.

[5] **THE COURT:** Ms. Baraldi.

[6] **MS. BARALDI:** In an abundance of  
 [7] caution, I mean unless you have some  
 [8] strenuous objection to it, I would ask that  
 [9] she be removed for cause.

[10] **MR. GIULIANI:** I'll leave it to Your  
 [11] Honor's discretion. I don't see any cause.  
 [12] She talked about she saw somebody, clearly  
 [13] not a witness on this case. I leave it to  
 [14] the Court's discretion.

[15] **THE COURT:** Would you bring her back to  
 [16] the bar.

[17] (The prospective juror entered the  
 [18] courtroom.)

[19] **BY THE COURT:**

[20] **Q.** Can you hear me okay?

[21] **A.** Yes.

[22] **Q.** You say the person that you recognize is  
 [23] someone you grew up with?

[24] **A.** Yes.

[25] **Q.** How much contact have you recently had with

[1] COMMONWEALTH VS. JOHN IN

[2] Carl?

[3] **A.** Outside of seeing him in the hallway, little  
 [4] to no contact at all.

[5] **Q.** Would you estimate how long ago it was that  
 [6] you last saw him?

[7] **A.** Five, ten years -- well, ten years.

[8] **Q.** It's your recollection that he was speaking  
 [9] to the officers?

[10] **A.** Yes.

[11] **Q.** Plainclothes or uniform?

[12] **A.** There were a number of people in the  
 [13] corridor. Just he and another who basically were in  
 [14] regular clothes. I'm assuming he was talking to a  
 [15] whole bunch of them, laughing and joking when we came  
 [16] back from lunch after a lot of people had already left,  
 [17] so probably was other officers.

[18] **Q.** Did you say they were police officers and  
 [19] you know that because they were in uniform or  
 [20] plainclothes folk and you assumed they were police  
 [21] officers?

[22] **A.** Well, the majority of them were sitting out  
 [23] there who I saw. Some of them were in uniform. When  
 [24] we walked up originally, he wasn't here when we first  
 [25] came here this morning. But this afternoon he was

[1] COMMONWEALTH VS. JOHN IN  
 [2] there. He was speaking with them.  
 [3] **Q.** Let me ask you this, ma'am. If the person  
 [4] you know as Carl is in fact a witness in this case or  
 [5] otherwise associated with it, would that in any way  
 [6] affect your ability to be a fair juror?

[7] **A.** No.

[8] **Q.** No doubt in your mind?

[9] **A.** No. I just wanted to make sure it wasn't a  
 [10] conflict.

[11] **THE COURT:** Wait on the outside of the  
 [12] exit door to your right. Be right with you.

(The prospective juror departed the  
 [14] courtroom.)

[15] **THE COURT:** All right. Counsel, under  
 [16] the circumstances, although I can understand  
 [17] the concern, unless there is an agreement, I  
 [18] won't strike her for cause.

[19] **MS. BARALDI:** Commonwealth Strike No. 4.

[20] **THE COURT CRIER:** State your name for  
 [21] us.

[22] **PROSPECTIVE JUROR:** Tyrone Finch.

[23] - - -

[24] . . . TYRONE FINCH, having  
 [25] been duly sworn, was examined and testified

[1] COMMONWEALTH VS. JOHN IN  
 [2] **THE COURT:** Granted.  
 [3] **THE COURT CRIER:** State your name for  
 [4] us.

[5] **PROSPECTIVE JUROR:** Jill Seidman.

[6] - - -

[7] . . . JILL SEIDMAN, having  
 [8] been duly sworn, was examined and testified

[9] **as follows:**

[10] - - -

[11] **EXAMINATION**

[12] - - -

[13] **BY THE COURT:**

[14] **Q.** Ms. Seidman, do you have any religious,  
 [15] moral or ethical beliefs that would prevent you from  
 [16] sitting in judgment in a criminal case rendering a fair  
 [17] verdict?

[18] **A.** I think I had answered yes, that only if it  
 [19] was like a hate crime or religious crime or something  
 [20] like that, then that I would have a problem with it.

[21] **Q.** Let me ask this question, ma'am. Having sat  
 [22] through the morning session, do you have any religious,  
 [23] moral or ethical beliefs that would prevent you from  
 [24] sitting in judgment in this case rendering a fair  
 [25] verdict?

[1] COMMONWEALTH VS. JOHN IN

[2] **as follows:**

[3] - - -

[4] **EXAMINATION**

[5] - - -

[6] **BY THE COURT:**

[7] **Q.** Mr. Finch, are you presently taking any  
 [8] medication that might interfere with or prevent you  
 [9] from serving as a juror?

[10] **A.** Yes, I'm taking a blood pressure medicine.  
 [11] Like five different types.

[12] **Q.** Tell me how, if at all, it would affect you.

[13] **A.** Sometimes it makes me drowsy and stuff.

[14] **Q.** You take it five times a day or five times?

[15] **A.** I take five different types, but I take one  
 [16] three times a day.

[17] **Q.** Makes you drowsy?

[18] **A.** Yes.

[19] **THE COURT:** Give us a moment. Wait on

[20] the other side of the door to your right.

[21] Right with you.

(The prospective juror departed the  
 [23] courtroom.)

[24] **THE COURT:** Counsel, motion for cause?

[25] **MR. GIULIANI:** Motion for cause.

[1] COMMONWEALTH VS. JOHN IN

[2] **A.** No, probably not.

[3] **Q.** Sorry.

[4] **A.** No.

[5] **Q.** You or someone close to you was the victim  
 [6] of a crime?

[7] **A.** Yes, when we first moved into our new home.  
 [8] We were broken into and vandalized.

[9] **Q.** And was that reported?

[10] **A.** Yeah.

[11] **Q.** Was anyone arrested?

[12] **A.** No.

[13] **Q.** Is there anything about that incident which  
 [14] would affect your ability to be a fair juror in this  
 [15] case?

[16] **A.** I don't know. I don't think so, no.

[17] **Q.** You checked off that you or someone close to  
 [18] you was an eyewitness to a crime. Is that something we  
 [19] already discussed or something else?

[20] **A.** I saw a hit and run awhile ago. I did  
 [21] report it.

[22] **Q.** Anything about what you saw which would  
 [23] affect your ability to be a fair juror?

[24] **A.** No.

[25] **Q.** You know people in law enforcement?

[1] COMMONWEALTH VS. JOHN IN  
 [2] A. Law enforcement, no.  
 [3] Q. Have you or anyone close to you ever worked  
 [4] as a police officer or other law enforcement agent or  
 [5] worked in the capacity of a prosecutor, public  
 [6] defender, defense lawyer, detective, prison guard,  
 [7] corrections officer?  
 [8] A. Yes.  
 [9] Q. What relationship is that person or those  
 [10] persons to you?  
 [11] A. People in my family are lawyers, my best  
 [12] friend and attorney.  
 [13] Q. Do those people practice criminal law?  
 [14] A. One.  
 [15] Q. How often do you see this person?  
 [16] A. Not very.  
 [17] Q. What relationship is that person to you?  
 [18] A. A distant relative.  
 [19] Q. Does that person live in Philadelphia?  
 [20] A. No.  
 [21] Q. The person's name?  
 [22] A. Mark Bad.  
 [23] Q. Can you give us your word if you were  
 [24] selected you would not speak with this person about  
 [25] this case?

[1] COMMONWEALTH VS. JOHN IN  
 [2] Q. Did you raise your hand that jury service  
 [3] would be a hardship?  
 [4] A. I did. I'm self-employed, straight  
 [5] commission every day. If I'm not working -- especially  
 [6] right now we do everything quarterly. The quarter  
 [7] starts on the 1st. Right in my quarter right now.  
 [8] Q. What kind of business?  
 [9] A. I do -- media buyer. I'm an advertiser.  
 [10] Q. You work out of your home?  
 [11] A. Yes.  
 [12] Q. So you could work before the day starts and  
 [13] after the day ends?  
 [14] A. I do television and cable media buying so I  
 [15] have to do it during those hours.  
 [16] Q. If you were selected to serve on this jury,  
 [17] would you be able to give this case 100 percent of your  
 [18] attention?  
 [19] A. I guess if I'm here all day I'd have to,  
 [20] yes.  
 [21] Q. If you were selected to serve on this jury,  
 [22] would you give both sides, the defendant and the  
 [23] Commonwealth, a fair trial?  
 [24] A. Yes.  
 [25] THE COURT: If you would be so kind to

[1] COMMONWEALTH VS. JOHN IN  
 [2] A. Yes.  
 [3] Q. Would you have any problem following the  
 [4] Judge's instruction that the defendant in a criminal  
 [5] case does not have to take the witness stand or present  
 [6] evidence and it cannot be held against the defendant if  
 [7] he elects to remain silent at trial?  
 [8] A. I mean, I would think it was odd if he  
 [9] didn't want to get up. I never sat on a jury before.  
 [10] I don't know the answer.  
 [11] Q. The instruction that you would be given is  
 [12] that a defendant has a constitutional right to remain  
 [13] silent at trial. You may not draw any adverse  
 [14] inference or inference of guilt from his decision not  
 [15] to testify.  
 [16] A. I understand.  
 [17] Q. Would you be able to accept and apply that  
 [18] instruction?  
 [19] A. I guess so.  
 [20] Q. When you say you guess so, is that a figure  
 [21] of speech or have some doubt about it?  
 [22] A. I said I thought it was odd if somebody  
 [23] didn't want to get up in their own defense, that's all.  
 [24] I guess if I was on a jury, I would have to try not to  
 [25] think that.

[1] COMMONWEALTH VS. JOHN IN  
 [2] wait on the other side of the exit door.  
 [3] We'll be right with you.  
 [4] (The prospective juror departed the  
 [5] courtroom.)  
 [6] MR. GIULIANI: I don't feel there is any  
 [7] hardship, Your Honor.  
 [8] MS. BARALDI: I don't feel hardship  
 [9] either.  
 [10] THE COURT: Let me see the two of you  
 [11] for a second.  
 [12] (Sidebar discussion off the record.)  
 [13] THE COURT: Well, counsel, who starts  
 [14] first?  
 [15] THE COURT CRIER: Commonwealth.  
 [16] THE COURT: The concern was her answer  
 [17] to number 11. You're satisfied with her  
 [18] answer?  
 [19] MR. GIULIANI: No, I'm not satisfied  
 [20] with her answer.  
 [21] THE COURT: Are you satisfied with her  
 [22] answer?  
 [23] MS. BARALDI: To be completely candid,  
 [24] no. Motion for cause.  
 [25] THE COURT: Motion granted.

[1] COMMONWEALTH VS. JOHN IN

[2] **THE COURT CRIER:** State your name for  
[3] us.

[4] **PROSPECTIVE JUROR:** Kimberly Downing.

[5] - - -

[6] . . . KIMBERLY DOWNING, having

[7] been duly sworn, was examined and testified

[8] **as follows:**

[9] - - -

[10] EXAMINATION

[11] - - -

[12] **BY THE COURT:**

[13] **Q.** Ms. Downing, do you have any religious,  
[14] moral or ethical beliefs that would prevent you from  
[15] sitting in a criminal case in render a fair verdict?

[16] **A.** Would that involve the death penalty?

[17] **Q.** It does not in this case. There is no death  
[18] penalty.

[19] **A.** No.

[20] **Q.** Would you be less likely to believe the  
[21] testimony of a police officer or other law enforcement  
[22] agent simply because of his or her job?

[23] **A.** Yes.

[24] **Q.** Did you raise your hand that you have a  
[25] hardship?

[1] COMMONWEALTH VS. JOHN IN

[2] - - -

[3] **BY THE COURT:**

[4] **Q.** Mr. Young, would you have any problem during  
[5] jury deliberations in a criminal case discussing a case  
[6] fully with your fellow jurors but still making up your  
[7] own mind?

[8] **A.** No.

[9] **Q.** You checked "yes" on the form.

[10] **A.** Sorry.

[11] **Q.** Still, you raised your hand that jury  
[12] service would be a hardship?

[13] **A.** Yes.

[14] **Q.** What's the nature of your hardship?

[15] **A.** My hardship is my brother. He's -- right  
[16] now he's in the veteran's hospital. But I don't know  
[17] when they're going to release him.

[18] **Q.** How is that a hardship?

[19] **A.** Because I'm the one that's taking care of  
[20] him when he come home.

[21] **Q.** You work every day?

[22] **A.** I work, yes. But I'm not far from the  
[23] house, so I'm -- on my lunch hour I make sure I get  
[24] home.

[25] **Q.** If you would elaborate, how do you take care

[1] COMMONWEALTH VS. JOHN IN

[2] **A.** Yes.

[3] **Q.** What's the nature of your hardship?

[4] **A.** I have a two-month-old infant at home. I  
[5] have a kindergartener that has to be picked up every  
[6] day by 2:30.

[7] **THE COURT:** Wait on the other side of  
[8] that door, ma'am. Be right with you.

[9] **PROSPECTIVE JUROR:** And I have a  
[10] five-year-old at home.

[11] (The prospective juror departed the  
[12] courtroom.)

[13] **MS. BARALDI:** I have a motion for cause.

[14] **THE COURT:** Have any objection?

[15] **MR. GIULIANI:** No objection, Your Honor.

[16] **THE COURT CRIER:** Sir, could you state  
[17] your name for us?

[18] **PROSPECTIVE JUROR:** My name is Richard  
[19] R. Young.

[20] - - -

[21] . . . RICHARD R. YOUNG, having  
[22] been duly sworn, was examined and testified

[23] **as follows:**

[24] - - -

[25] EXAMINATION

[1] COMMONWEALTH VS. JOHN IN

[2] - - -

[3] **BY THE COURT:**

[4] **Q.** Mr. Young, would you have any problem during  
[5] jury deliberations in a criminal case discussing a case  
[6] fully with your fellow jurors but still making up your  
[7] own mind?

[8] **A.** No.

[9] **Q.** You checked "yes" on the form.

[10] **A.** Sorry.

[11] **Q.** Still, you raised your hand that jury  
[12] service would be a hardship?

[13] **A.** Yes.

[14] **Q.** What's the nature of your hardship?

[15] **A.** My hardship is my brother. He's -- right  
[16] now he's in the veteran's hospital. But I don't know  
[17] when they're going to release him.

[18] **Q.** How is that a hardship?

[19] **A.** Because I'm the one that's taking care of  
[20] him when he come home.

[21] **Q.** You work every day?

[22] **A.** I work, yes. But I'm not far from the  
[23] house, so I'm -- on my lunch hour I make sure I get  
[24] home.

[25] **Q.** If you would elaborate, how do you take care

[1] COMMONWEALTH VS. JOHN IN

[2] A. Sixty-five.

[3] **THE COURT:** Wait on the other side of  
[4] the door, sir. We'll be right with you.

[5] (The prospective juror departed the  
[6] courtroom.)

[7] **THE COURT:** Counsel.

[8] **MR. GIULIANI:** Motion for cause, Your  
[9] Honor.

[10] **THE COURT:** Any objection?

[11] **MS. BARALDI:** No, not going to object.

[12] **THE COURT:** Motion granted. Defense  
[13] cause is granted.

[14] **PROSPECTIVE JUROR:** Mattie Caisson.

[15] - - -

[16] . . . MATTIE CAISSON, having  
[17] been duly sworn, was examined and testified

[18] **as follows:**

[19] - - -

[20] EXAMINATION

[21] - - -

[22] **BY THE COURT:**

[23] Q. Ms. Caisson, tell us what you do for a  
[24] living, please.

[25] A. I'm a customer service representative for

[1] COMMONWEALTH VS. JOHN IN

[2] Commonwealth, a fair trial?

[3] A. Yes.

[4] Q. Did you raise your hand that jury service  
[5] would be a hardship?

[6] A. Yes.

[7] Q. What's the nature of your hardship?

[8] A. I have medical procedures that I have to  
[9] have performed on Thursday. I have to have a  
[10] colonoscopy Friday. I have to have an endoscope down  
[11] my throat.

[12] Q. This Thursday, the day after tomorrow?

[13] A. Yes.

[14] **THE COURT:** Would you give us a moment,  
[15] ma'am. Wait on the other side of the door.

[16] Be right with you.

[17] (The prospective juror departed the  
[18] courtroom.)

[19] **THE COURT:** I grant her hardship. Have  
[20] one more.

[21] **THE COURT CRIER:** State your name.

[22] **PROSPECTIVE JUROR:** Nancy Armwood.

[23] - - -

[24] . . . NANCY ARMWOOD, having  
[25] been duly sworn, was examined and testified

[1] COMMONWEALTH VS. JOHN IN

[2] **as follows:**

[3] - - -

[4] EXAMINATION

[5] - - -

[6] **BY THE COURT:**

[7] Q. Tell us what you do for a living, please.

[8] A. Nurse assistant.

[9] Q. Do you work in a hospital, nursing home?

[10] A. Nursing home.

[11] Q. How long have you been a nurse assistant?

[12] A. Thirteen years.

[13] Q. Have you ever served on a jury before?

[14] A. Yes.

[15] Q. How long ago?

[16] A. Must have been about three years ago.

[17] Q. Civil or criminal case?

[18] A. A criminal.

[19] Q. Have you or someone close to you, ma'am,  
[20] been arrested or charged with a crime?

[21] A. Yes.

[22] Q. What relationship is that person to you?

[23] A. A nephew.

[24] Q. What was he charged with?

[25] A. Had something to do with drugs.

[1] COMMONWEALTH VS. JOHN IN  
 [2] Q. Did you attend his trial?  
 [3] A. No.  
 [4] Q. Do you have an opinion to whether he was  
 [5] treated fair or unfair?  
 [6] A. No.  
 [7] Q. Is there anything about his case which would  
 [8] affect your ability to be a fair juror in this case?  
 [9] A. No.  
 [10] Q. Do you or someone close to you work now or  
 [11] in the past in law enforcement?  
 [12] A. Yes.  
 [13] Q. What relationship is that person?  
 [14] A. A nephew.  
 [15] Q. Different nephew?  
 [16] A. Yeah, different.  
 [17] Q. What kind of work does that nephew do?  
 [18] A. He was a prison guard.  
 [19] Q. What does he do now?  
 [20] A. He's retired.  
 [21] Q. Would the fact that you have a nephew who  
 [22] worked in law enforcement, would that affect your  
 [23] ability to be a fair juror?  
 [24] A. No.  
 [25] Q. If you were selected to serve on this jury,

[1] COMMONWEALTH VS. JOHN IN  
 [2] would you give both sides, the defendant and the  
 [3] Commonwealth, a fair trial?  
 [4] A. Yes.  
 [5] Q. Did you raise your hand that jury service  
 [6] would be a hardship?  
 [7] A. Yes.  
 [8] Q. What's the nature of your hardship?  
 [9] A. I'm the caregiver for my mother. She's  
 [10] ninety-one. I'm with her most days because I work in  
 [11] the evenings. When I do work -- I'm semi-retired --  
 [12] only work two nights a week with her most days. She's  
 [13] ninety-one.  
 [14] Q. Is there anyone else to look after her while  
 [15] you serve here?  
 [16] A. No, no. My daughter is with her today, but  
 [17] this is her day off. So I knew that ahead of time I  
 [18] was able to arrange for her.  
 [19] **THE COURT:** Give us a moment, ma'am.  
 [20] Wait on the other side of the exit door to  
 [21] your right. Be with you in a moment.  
 [22] (The prospective juror departed the  
 [23] courtroom.)  
 [24] **THE COURT:** Counsel, I'll hear your  
 [25] observations about her hardship.

COMMONWEALTH VS. JOHN IN  
**MS. BARALDI:** I don't have any argument.  
**MR. GIULIANI:** Me either.  
**MS. BARALDI:** Motion for cause.  
**MR. GIULIANI:** No objection.  
**THE COURT:** You agree with her?  
**MR. GIULIANI:** I agree. I think  
 borderline -- the problem, I get somebody  
 with a borderline hardship, put them on the  
 jury, they resent being put on the jury.  
**THE COURT:** What's your position?  
**MS. BARALDI:** I agree with Mr. Giuliani.  
 (Proceedings adjourned.)

COMMONWEALTH VS. JOHN IN  
 C E R T I F I C A T I O N

I hereby certify that the proceedings and  
 evidence are contained fully and accurately in the  
 notes taken by me on the trial of the above cause, and  
 this copy is a correct transcript of the case.

Stefanie Scurvin  
 Official Court Reporter

(The foregoing certification of this  
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# Lawyer's Notes

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